

Item No. 1

Application Reference Number P/18/0284/2

Application Type:	Full Planning Permission	Date Valid:	21/02/2018
Applicant:	Keepmoat Homes Ltd		
Proposal:	Erection of 43 dwellings including the formation of a new vehicular access, ecological mitigation, open space, landscaping and drainage infrastructure		
Location:	Gynsill Court Gynsill Lane Anstey LE7 7AH		
Parish:	Anstey	Ward:	Anstey
Case Officer:	Patrick Reid	Tel No:	01509 634747

The application has been brought to Plans Committee at the request of Councillor Taylor who is concerned about the impact upon immediate neighbours, unsafe access and the need for adequate protection from road traffic noise.

Description of the Application Site

The application site is located towards the edge of the Borough near Glenfield with the south-western boundary coinciding with the boundary with Blaby District.

It comprises 2.5 hectares of land to the north of Gynsill Lane on the northern edge of Glenfield. The land is associated with Gynsill Court and comprises lawns and the remnants of ponds and ornamental woodland. It is currently accessed by the drive which serves Gynsill Court and Gynsill Court Mews. Gynsill Court is an Edwardian mansion with four mews cottages and ornamental gardens. Gynsill Court has been subdivided into nine flats. Gynsill Court and the mews are locally listed.

The majority of the site lies outside the Limits to Development for Anstey as identified in the 2004 Local Plan. It is more closely related to the built up area of Glenfield.

To the west of the site is the A46, with agricultural land to the south. To the east is existing residential development on Gynsill Lane. To the north is the development permitted by application P/13/2510/2 which is currently under construction.

Almost all of the trees on the site, including the woodland to the rear, are statutorily protected by a Tree Preservation Order (TPO) designated in 1992. The order includes 8 individual trees, 6 groups and a woodland. Trees numbered T2-T7, G3 (part), G4, G5, G6 and W1 are within the site with T1, G1, G2 and part of G3 lying within the curtilage of No. 62 Gynsill Lane, which has been built since the imposition of the TPO. Trees within group G4 were felled at the time of the previous grant of permission for residential development on this site and since then, only one of the weeping willows within the grouping has regenerated from the stump of the previously felled tree. The Borough boundary bisects the woodland (W1) and a

small portion of the south-western part of the site within the applicant's ownership. The applicant also owns land adjoining the application site located within Blaby District.

The application site is within Flood Zone 1 with Flood Zone 2 abutting the north western boundary and associated with the Rothley Brook beyond.

The Application Proposals

This is a full application for 43 dwellings and associated development.

A new access is proposed from Gynsill Lane, running between Gynsill Court and the mews cottages. Gynsill Court would continue to use the existing access from Gynsill Lane and the mews cottages would be served by the proposed new access. The cottages would be provided with four new parking spaces as part of this development.

The layout includes a hierarchy of roads and driveways, with a number of separate groups of dwellings. One group is set around the spine road through the site. Two groups look into a mews parking area to the east of the main road, and other groups along the western and northern boundaries are served by private drives and have front elevations towards the countryside.

The 43 dwellings are a mixture of predominantly smaller properties: 11 x 2 bed, 29 x 3 bed and 3 x 4 bed properties. 30 of the properties are semi-detached or terraced 13 are detached. There would be 9 affordable dwellings comprising 6 for rent and 3 shared ownership. The rented properties include 2 bungalows.

The layout includes a green infrastructure network, habitat enhancement, additional tree and marginal planting and existing trees and hedgerows are predominantly retained.

The application is supported by the following documents:

- Design and Access Statement
- Arboricultural Assessment
- Ecological Appraisal
- Great Crested Newt Report
- Landscape Management Plan
- Noise Risk Assessment & Acoustic Design Statement
- Planning Statement
- Transport Statement
- Flood Risk Assessment and Drainage Strategy
- Viability Statement

Development Plan Policies

Charnwood Local Plan Core Strategy 2011-2028 (Adopted 9th November 2015)

Policy CS1 – Development Strategy sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester

Principal Urban Area and Loughborough and Shepshed with three Sustainable Urban Extensions. The next tier of settlements proposed for development in this strategy are the seven Service Centres, which include Anstey.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – We will manage the delivery of at least 13,940 new homes between 2011 and 2028 to balance our housing stock and meet our community's housing needs. This will be done seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area; and seeking all new housing to be built to 'Lifetime Homes', where feasible.

Policy CS12 – Green infrastructure seeks to protect and enhance our Urban Green Infrastructure Enhancement Areas by enhancing our network of green infrastructure assets through our strategic developments, addressing the identified needs in open space provision and supporting development.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

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

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 – Delivering Infrastructure seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements.

This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2026 (adopted 12th January 2004) (saved policies)

The policies relevant to this proposal include:

Policy ST/2 – Limits to Development aims to confine development to land within the Limits to Development identified on the Proposals Map.

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

Policy CT/1 – General Principles for Areas of Countryside, Green Wedges and Local Separation – the development of land within these areas will be strictly controlled.

Policy CT/3 – Development in Green Wedges – Development in these areas will only be permitted where it protects the open and undeveloped character of the area, safeguards this function, improves accessibility for recreation and secures landscape improvements.

Policy TR/18 – Parking in New Development seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

Other material considerations

The National Planning Policy Framework 2018 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF seeks to achieve sustainable development that fulfils economic, social and environmental objectives.

Paragraph 11 states that where development accords with an up to date Development Plan it should be granted planning permission but that where relevant policies are absent or the policies which are most important for determining the application are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- policies in the NPPF that protect areas or assets of importance provide a clear reason for refusal.

Footnote 7 makes it clear that where applications for housing are being considered if a 5 year supply of housing land cannot be demonstrated or the housing delivery test indicates that the level of delivery of housing is less than 75% of the housing requirement over the last 3 years that housing supply policies should be considered to be out of date.

Paragraph 12 adds further emphasis to the primacy of the development plan stating that where proposals do not accord with an up to date plan they should normally be refused unless material considerations indicate otherwise.

In terms of the remainder of the NPPF, sections relevant to the consideration of this application include the following:

Paragraph 57 states that the weight to be given to viability assessments is a matter for the decision taker. It points that, where proposals accord with up to date policies on contributions, it should be assumed that the proposal is viable.

Paragraph 59 makes it clear that the needs of groups with specific housing requirements should be addressed.

Paragraph 61 states that planning policies should consider the need for housing for different groups including older people.

Paragraph 64 states that where major development involving housing is proposed that at least 10% of the affordable homes should be for affordable ownership. Purpose built accommodation for the elderly is recognised as one of a number of exemptions to this requirement.

Paragraph 77 says that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Paragraph 118 lends weight to the use of brownfield sites to meet identified need for housing. It extends this to the promotion of development of under utilised land and buildings where there is housing need and land supply is constrained.

Paragraph 122 seeks to use land efficiently using higher density development where this is appropriate.

Paragraph 127 seeks to secure high quality design through planning decisions.

Paragraphs 197 and 200 confirm that the effect of an application on the significance of a non-designated heritage asset should be taken into account when making planning decisions and that planning authorities should look for opportunities to enhance or better reveal the significance of heritage assets when considering development within their setting.

Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also 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.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (2017)

Adopted in May 2017, the SPD provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan.

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

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Leicestershire Highways Design Guide

This guidance deals with highways and transportation infrastructure for new developments including the amount of access required for a development of this size.

The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of

being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Environmental Impact Assessment Regulations (2017)

The Environmental Impact Assessment Regulations set out the parameters, procedures and regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. For residential development the threshold to consider under Schedule 2 developments are 150 dwellings or 5 hectares (Criteria 10(b)).

ARUP Green Wedges and Local Areas of Separation Study (2016)

This study commissioned by the Council provides amongst other things a review of local areas of separation and Green Wedges and how they perform against their respective objectives.

Relevant Planning History

Application site

P/16/2329/2 (Reserved Matters) Erection of 40 dwellings – Approved
P/13/2263/2 (Outline) Erection of 40 dwellings – Approved

Adjacent site

P/13/2510/2 Erection of 57 dwellings – Approved and under construction

Response of Statutory Consultees

Leicestershire County Council Highway Authority

The residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the NPPF, subject to conditions and recommendations. Recommend conditions relating to design of access; provision of visibility splays; closure of redundant access; provision of parking and turning space; construction traffic management plan and submission of drainage details. Request contributions for travel packs, bus passes, improvements to bus stops and sustainable travel monitoring fee.

Leicestershire County Council – Lead Local Flood Authority

The proposed development is considered to be acceptable subject to appropriate planning conditions being attached to any permission granted.

Charnwood Borough Council Housing Strategy and Support Manager

On the basis of the viability assessment, and the advice of the District Valuer, accepts the provision of 9 affordable units, with a tenure split of 6 affordable rent and 3 shared ownership with an expectation to see these delivered as soon as possible in the development of the site.

Charnwood Borough Council Environmental Health Officer

No objection subject to conditions to securing adequate mitigation from road traffic noise on the A46. In accordance with the submitted technical report this would comprise façade sound insulation and specially designed glazing and ventilation to specified properties. Note that 1.8 metre fencing to gardens is also proposed and this would have limited effectiveness in restricting noise in the gardens of proposed properties.

Charnwood Borough Council Open Spaces Team

Request provision of informal and formal open space on the application site and contributions towards off-site facilities, namely provision for young people, outdoor sports facilities and allotments.

NHS

Request contribution for local primary and community care services, specifically increasing the capacity of Anstey Surgery.

Highways England

No objection

Blaby District Council

No comment

Hinckley and Bosworth Borough Council

No comment

Anstey Parish Council

Object to the application for the following reasons:

- Adverse impact of noise from A46
- Unsustainable location
- Dangerous links for children to local schools
- Exacerbate existing traffic congestion at A46 roundabout
- Inadequate provision of affordable housing

- Notwithstanding objections wish to ensure that any Section 106 reflects future residents needs for improvements to youth and recreation facilities in Anstey and Glenfield.

Glenfield Parish Council

Support the objections raised by Anstey Parish Council to ensure that any Section 106 agreement reflects future residents needs for improvements to youth and recreation facilities in Anstey and Glenfield.

Cllr Deborah Taylor

Has asked that the application is determined by Plans Committee because of concerns about the adverse impact of the development upon the privacy of neighbours at No.s 62 and 64 Gynsill Lane; access is unsuitable and unsafe; loss of parking for Gynsill Court and loss of trees which currently help mitigate impact of road traffic noise from the A46.

Third Party Representations

Public Comment

Representations received from Nos.59A, 62 and 64 Gynsill Lane.

Object to the application on the following grounds:

- Adverse impact upon floodplain
- Unsafe access and would exacerbate existing highways problems
- Impact upon The Gynsills which is locally listed
- Development is in a Green Wedge
- Site adversely affected by road traffic noise
- Loss of privacy, particularly from plots on site boundary
- Construction traffic would need to be routed via Glenfield.

Consideration of the Planning Issues

This application is for full planning permission and the key considerations are therefore the following:

- Principle of development
- Impact on the countryside and the Green Wedge
- Design and Housing Mix
- Impact on residential amenity
- Flooding and drainage
- Ecology and wildlife
- Highway safety, servicing and parking
- Heritage Assets
- S106 developer contributions.

Principle of development

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 development plan for Charnwood comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015) and those saved policies within the Local Plan which have not been superseded by the Core Strategy. The vision within the Core Strategy (2015) confirms that by the end of the plan period Charnwood aims to be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life, the environment and biodiversity. The presumption in favour of sustainable development is reinforced in paragraph 11 of the NPPF.

The Local Plan Core Strategy policies, although adopted before the new NPPF was published, are less than five years old and are considered generally consistent with the new Framework. On this basis, proposals for housing development should only be approved where they accord with policy CS1 and CS11 of the Core Strategy, unless material considerations indicate otherwise.

Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for the considering proposals within individual tiers of settlements. This policy defines Anstey as one of a number of Service Centres which provide a range of key services. The policy seeks to provide a minimum of 3,000 new homes within and adjoining service centres between 2011 and 2028. The Council will respond positively to opportunities for sustainable development and which also make effective use of land. It is noted that while the site is outside the limits of development for Anstey it is in a sustainable location. It abuts existing development in Glenfield, part of the Leicester Principal Urban Area, and is reasonably well related to services in that settlement.

In considering the housing supply situation, the Borough Council published an assessment identifying a 4.93 years of housing land supply in June 2018. The publication of the revised NPPF in July 2018 materially changed the approach to be taken to calculating supply by altering the buffer to be applied when setting the five year requirement. Furthermore, the accompanying Housing Delivery Test Rule Book also altered the way that communal accommodation including student halls and residential care homes were to be accounted for within housing supply. The Council subsequently revised its assessment of housing land supply in accordance with the approach prescribed by national guidance and the re-calculated supply figure is identified as 5.93 years. Furthermore case law has confirmed that calculating a reliable five-year supply is an exercise that can only be undertaken annually when all the sources of supply can be established.

For the avoidance of doubt taking into account the revised NPPF the Council's recalculated annual position is that housing supply is 5.93 years. This site, with an extant planning permission for 40 dwellings, contributes to that supply.

The planning history of this site and the recently approved housing development to the east are significant material considerations, which give weight to the principle of this development.

Following the grant of outline planning permission on the current application site (P/13/2263/2) reserved matters were approved in May 2017 (P/16/2329/2). This an extant permission, where development could commence up until May 2020. The time limit to submit amended or further reserved matters has expired and hence this application to amend the scheme and increase the number of dwellings on the site from 40 to 43. The access has also been re-sited and the merits of this amendment are assessed below.

Planning permission has been granted for 57 dwellings to the east of the application site (P/13/2510). This scheme is currently being developed.

While the application site is further away from Anstey than the new development to the east, it is a logical infill between that development and Glenfield, which is a sustainable settlement with a good range of facilities and services.

The development is generally in accordance with policy CS1 and the spatial strategy in the Core Strategy which directs development to the most sustainable locations in the Borough. Significant weight must also be given to the delivery of housing on a site with an extant planning permission for 40 dwellings.

Impact of development on the countryside and the Green Wedge

Policies ST/2 and CT/1 seek to restrict development to within the limits to development and only allow certain development within the countryside

Policy CT/3 seeks to protect the predominantly and undeveloped character of the Green Wedge and its function to provide separation between settlements and maintain or enhance public access.

The principle of residential development has been accepted on this site and there is an extant planning permission (P/16/2329/2). In addition, the adjacent housing scheme (P/13/2510/2) is also in the Green Wedge. Consequently, the function of this part of the Green Wedge to provide separation between settlements is very limited. Housing development could commence under the extant planning permission and, therefore, the weight of the function of the Green Wedge designation is limited.

The 2016 ARUP Green Wedges and Areas of Local Separation Study reviewed the effectiveness of this Green Wedge. It suggested that the boundary should be realigned to exclude this site and the adjacent development site.

In these circumstances little weight can be given to policy CT/3.

The site is reasonably well contained with Gynsill Court dominating the main public vantage point, which is from Gynsill Lane. The proposal would be seen as a minor addition to the built-up area of Glenfield. Given the context of the neighbouring

settlements of Glenfield and Anstey and the adjacent site, which is under construction, it is considered that this scale of development would not be out of place within the locality.

The landscaping, which it is proposed would be secured by conditions, together with the retention of the majority of the protected woodland to the west of the site would ensure that the development is assimilated into the wider landscape.

Policies ST/2 and CT/1 seek to restrict development to within the limits to development and only allow certain development within the countryside. Those saved local plan policies are more than five years old and can only be given limited weight in the planning assessment of the application.

Design and Housing Mix

Policies CS2 and EV/1 seek to ensure high quality design and layout.

The application proposes a selection of materials to provide variety in the street scenes. A selection of house types is also proposed, with the different house types generally positioned sporadically around the site to provide further variety in the street scene. The proposed layout responds positively to the natural contours of the land. The highest properties would be plots 1,2 and 3 adjacent to the north east boundary. These would be adjacent to the existing mews cottages. The current development of the properties on the adjoining land to the east (application ref P/13/2510/2) would also mitigate the impact of these plots on the landscape.

The scheme offers a satisfactory mix of dwellings. The provision of smaller open market and affordable dwellings responds to the needs identified in the HEDNA.

The position of the affordable housing on the site has been considered carefully and integrated into the site. The Council's Housing Strategy and Support Manager has been consulted and is satisfied with the location of the affordable housing units.

It is therefore considered that the proposal would not have an unacceptable appearance in the landscape and complies with policies CS2, EV/1, the Leading in Design and Housing SPDs and relevant provisions of the NPPF.

Impact on residential amenity

The new dwellings would be set away from any existing dwellings. The plots along the southern boundary of the site back onto The Gynsills and houses on Gynsill Lane.

The rear of these houses (plots 37-42) would be approximately 30 metres from the rear of the units in The Gynsills.

The side gable wall of plot 33 would be approximately 20 metres from the rear of No.64 Gynsill Lane and 30 metres from the rear of No.62 Gynsill Lane. Plot 33 is one of a pair of semi-detached bungalows (plots 33 & 34) with a bathroom window in the gable wall.

The occupiers of Nos.62 and 64 Gynsill Lane have objected to the application, expressing concern about this relationship and the impact which the new dwellings would have upon their privacy. Plots 33 and 34 share boundaries with both of these neighbours and a pair of semi-detached houses (plots 35 and 36) have a boundary with No.62. This relationship is similar to the approved scheme which had a two storey building accommodating four residential units and an attached garage/carport, in approximately the same location as the houses and bungalows proposed by this application.

The main difference is that the approved scheme backed onto the rear garden of No.62. Plots 33-36 front onto the rear garden of No.62, with a turning head and a driveway close the common boundary. These overlook the end of the garden of No.62, at a distance ranging between approximately 30 and 45 metres from the rear of the house.

The applicant has provided an amended drawing with additional screening on this boundary, which could be secured by condition. It is noted that the distances between the new and existing dwellings is in excess of the minimum distances set out in the Leading in Design SPD to prevent a loss of privacy or light or outlook.

Having regard to the extant permission, the large gardens of Nos.62 and 64 Gynsill Lane and the distances between the proposed dwellings and these houses, it is considered that the proposal is acceptable.

With regard to the future occupiers of the development, the submitted scheme makes provision for noise attenuation from road traffic noise on the A46 to the north of the site. This includes works to dwellings and the provision of fencing to garden boundaries. The Environmental Health Officer has assessed the application and is reasonably satisfied with the proposals subject to a recommended condition.

Trees provide very limited mitigation for road traffic noise. The application proposes the removal of nine trees close to the A46. The noise attenuation measures which are proposed and would be secured by condition, will be much more effective than the trees that would be lost.

Overall, in terms of residential amenity it is considered that the development complies with policies CS2, EV/1, the Leading in Design SPD and the NPPF.

Flooding and Drainage

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to location within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites.

Paragraph 163 of the Framework requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to

only consider development in areas of flood risk where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.

The site falls within flood zone 1, where flood risk to future occupiers would be minimal. Therefore it is considered that development of this site is acceptable in terms of flood risk as it has been directed to an area at lowest risk of flooding. Therefore the application meets the principles of paragraph 163 of the Framework. However, there is a requirement to demonstrate that sustainable drainage methods are employed and that the development of the site would not result in increased flooding elsewhere as a result of the increased requirements of drainage and hard surfacing.

Overall the comments and concerns of residents and the LLFA have been carefully assessed and it is considered that the proposals are in accordance with Policy CS 16 of the Core Strategy and the relevant provisions of the NPPF subject to the imposition of suitable planning conditions.

Ecology and wildlife

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible enhance the potential through landscaping and drainage solutions to provide development that promotes ecological benefit. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which delivers high quality design. The provision of appropriate green infrastructure is also a relevant consideration in this context.

The scheme involves the removal of 23 trees across the site, similar to the proposal which was recently granted planning permission (P/16/2329/2). A woodland containing in excess of 100 trees is being retained and enhanced. This application proposes that a small group of trees and a hedge would be removed to provide the new vehicular access.

Tree protection measures and exclusion zones are proposed to ensure that the trees which are to be retained are not damaged. A condition is recommended to ensure the implementation of these measures.

Great Crested Newts (GCN) are present in both of the ponds on the site. The application is supported by a GCN survey which includes mitigation measures. The area of woodland to the west of the proposed dwellings will be enhanced for GCN. This is considered to be acceptable. A condition is recommended to ensure the implementation of these measures.

Overall, subject to appropriate planning conditions the proposals would be considered to be in accordance with policy CS13 of the Core Strategy and relevant guidance within the National Planning Policy Framework.

Highway safety, servicing and parking

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including this application) to deliver an appropriate and comprehensive package of transport improvements.

Policy TR/18 of the Local Plan seeks to ensure that adequate off-street parking can be provided.

Gynsill Lane is a sustainable location on a bus route and with easy access by other travel modes into nearby Glenfield which has a good range of services and facilities.

The application proposes the construction of a new access onto Gynsill Lane. This would be 30 metres to the east of the previously approved access, but it would run next to the main Gynsill Court building at the same point as that proposed by the extant permission. The detailed layout indicates that each dwelling would have at least two parking spaces and that any spaces lost to provide the new access would be replaced.

The applicant submitted a transport assessment, including speed survey data which has been considered by the Highway Authority. They consider that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the NPPF, subject to conditions and informatives. The recommended conditions relate to design of access; provision of visibility splays; closure of redundant access; provision of parking and turning space; construction traffic management plan and submission of drainage details.

To mitigate the impact of the development they have requested contributions for travel packs, bus passes, improvements to bus stops and a sustainable travel monitoring fee.

Taking the above context into account, it is considered that the proposal would comply with core strategy policies CS17 and CS18 and saved local plan policy TR/18.

Heritage Assets

Core Strategy Policy CS14 seeks to ensure that development protects heritage assets and their setting.

The application site is part of the grounds of Gynsill Court. This is an Edwardian mansion with four mews cottages and ornamental gardens. Gynsill Court has been subdivided into nine flats. Gynsill Court and the mews are locally listed.

The access would have an impact upon this property. This impact would not harm the significance of the setting of the non-designated heritage asset as it would

replace an existing access and driveway. It is not considered that it would be so significant that permission could be refused for the impact upon the significance of the setting of the heritage asset.

The impact of the loss of part of the grounds has been assessed and accepted by the granting of planning permission for 40 dwellings on the site. The 43 dwellings which are proposed by this application have a broadly similar layout to the extant planning permission. There have been no material changes in either circumstances on the ground or in legislation since the granting of planning permission for 40 dwellings on the site that would support making a different decision in relation to the impact on heritage assets for this current application.

It is considered that the proposal would comply with Policy CS14 and the relevant provisions of the NPPF.

Section 106 Developer Contributions

Policies CS15 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate the impact of the proposals.

Core Strategy Policy CS3 seeks the delivery of affordable housing having regard to market conditions, economic viability and other infrastructure requirements. The NPPF advises that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

During the course of the application, and during the course of the s106 completion the issue of viability was highlighted as a preventative measure in taking the development forward.

The applicant has submitted a viability assessment and has requested that a reduced level of affordable housing be agreed. This was based on the abnormal costs associated with the demolition of existing structures; a steeply sloping site requiring a foul pumping station and levelling in certain areas for highways infrastructure; ground conditions requiring piled foundations; ecological constraints and a location immediately adjacent to the A46 affecting sales values.

The assessment has been submitted to the District Valuers Service (DVS) for an independent assessment of the costs, values and the capability of the development to deliver affordable housing as part of the development.

Having assessed and carried out sensitivity analysis of the development proposed, the DVS assessment allows for a reasonable development profit. Due to the abnormal costs associated with the development and the sales values agreed with the DVS, the level of affordable housing is agreed at 9 units. This is 21% of the total number of units proposed for the development, rather than a policy compliant 30%; 13

units. All of the other contributions are capable of being delivered. The trigger point for other contributions would be later in the development to maximise the viability of the site and to prevent the unnecessary stagnation of the development.

The 9 units comprise 6 dwellings for rent, including 2 bungalows, and 3 dwellings for shared ownership. Due to the limited viability of the site the Council's Housing Strategy and Support Manager is satisfied with this arrangement and provision.

The Council's Open Spaces Team (see table below) requested both on-site and off-site contributions. The applicant has agreed to pay the contributions in full towards the off-site facilities, which are for young people, outdoor sports facilities and allotments. It is the provision of the first two of these which are of particular interest to Anstey and Glenfield Parish Councils.

While the applicant has agreed to make these contributions, clarification is being sought to ensure that they would be assigned to specific projects. This will confirm whether the requested contributions are CIL compliant. Members will be provided with this further information at the Plans Committee meeting to enable them to take this into account in the determination of the application .

The application proposes a relatively low density development with good boundary landscaping and the retention of a large woodland. Overall, the provision of informal open areas is considered to be generous. It would be managed by a private company, which is a common arrangement.

The site adjoins the Davidsons housing scheme (approved by application P/16/2329/2) which is currently being developed . This has a Local Equipped Play Area (LEAP) adjacent to the eastern boundary of the application site. This would be easily accessible to the future occupiers of the application site and due to the proximity of this facility it is not considered necessary to duplicate it on the application site.

The following table is a summary of the requests for developer contributions which have been received.

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
CBC Housing Strategy and Support Manager	30% Affordable Housing at a suggested tenure mix of 77% Affordable Rent: 23% Shared Ownership is sought. To be policy compliant there would need to be 13 affordable	On site	The proposals are required to make the development acceptable and have been calculated based on housing need and in accordance with Core Strategy Policy CS3, the Housing SPD and Housing Waiting Lists. Recommendation: CIL Compliant.

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
	<p>dwellings;10 for rent and 3 shared ownership.</p> <p>The scheme proposes 6 dwellings for rent and 3 shared ownership.</p>		
West Leicestershire Clinical Commissioning Group	£23,737	To increase capacity at Anstey Surgery for additional clinical rooms to accommodate the patients from this proposed development.	<p>This surgery is the nearest practice to the site and it would be relied upon by the future residents. The proposal is reasonable in scale and there have not been more than five contributions to this practice.</p> <p>Recommendation: CIL Compliant.</p>
Leicestershire County Council Library Services and East Goscote Community Library	£1,300	Glenfield Library based on 1 bedroom houses/apartments @ £15.09 per house/apartment, 2+ bedroom houses/apartments @ £30.18 per house/apartment, 1 bedroom student dwelling @ £10.06 per house/apartment. The contribution is sought for for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. GLE003. There is currently one other obligation under GLE003 that has been submitted for approval.	<p>There are currently no pooling concerns with regard to the obligations under GLE003 .</p> <p>The library is 1.3km from the application site and would be relied upon by the future residents.</p> <p>Recommendation: CIL Compliant.</p>
Leicestershire County Council - Civic Amenity	£2,222	To increase capacity at Mountsorrel Civic Amenity site. It will be placed under	There are currently no pooling concerns with regard to the obligations under

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
		project no.MOU005. There are currently four other known or potential obligations under MOU005.	MOU005. This is the closest civic amenity site to Anstey and would be relied upon by the future residents. Recommendation: CIL Compliant.
Leicestershire County Council - Education Services	<p>£124,862 to Primary School Sector</p> <p>No contribution to Secondary School Sector.</p> <p>£27,446 To Post 16 Sector</p> <p>No contribution is sought to Special School Sector.</p>	<p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector.</p> <p>In order to provide the additional secondary school places anticipated by the proposed development the County Council would request a contribution for the Post 16 sector.</p>	<p>To overcome deficit of 11 primary school places. The contribution would used to improve, remodel or enhance facilities at The Latimer School, Anstey.</p> <p>To overcome deficit of 1.42 post 16 places. The contribution would be used to improve, remodel or enhance facilities at Groby Community College.</p> <p>Recommendation: CIL compliant</p>
Leicestershire County Council - Highways		Travel Packs – to inform new residents of sustainable travel choices (£52.85 per pack)	This would assist in promoting sustainable transport choices and the delivery of sustainable transport aims. Recommendation: CIL Compliant.
		Bus Passes – 6 month bus passes, two per dwelling to encourage use of bus	This would assist in promoting sustainable transport choices and

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
		service (£360 per pass)	the delivery of sustainable transport aims. Recommendation: CIL Compliant.
		Bus Stops – improvements to 2 nearest bus stops, including raised and dropped kerbs to allow level access and provision of information display cases. (£3,500 per stop & £120 per display case)	This would assist in promoting sustainable transport choices and the delivery of sustainable transport aims. Recommendation : CIL compliant
		STARS – monitoring of sustainable travel (£6,000 fee) To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any enforcement.	The level of monitoring fee is considered to be based on a standardised fee. Therefore to seek the contribution would raise significant concerns with regard to this being CIL compliant. Recommendation: Not compliant
CBC Open Spaces Team	Informal and formal open spaces Provision for young people £40,317	On site Off site	Site provides a range of natural and semi-natural open space, including substantial area of woodland. Formal play area not proposed on site, but provision for access to LEAP on Davidsons' site which adjoins eastern boundary of application site. Contributions would ensure adequate provision of strategic recreation facilities .

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
	Outdoor sports facilities £59,633 Allotments £4,905	Off site Off site	Recommendation: Awaiting confirmation of details to determine whether CIL Compliant.

It is considered that the listed CIL compliant contributions would provide adequate mitigation for the impact of this development upon local services and facilities and would comply with policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy.

Planning Balance and Conclusion

The proposal would provide housing which would contribute towards the five year supply of housing land. The scheme would provide housing to meet local needs, particularly the provision of affordable housing, including bungalows. This is a positive aspect in the planning balance for the proposal. The site has an extant planning permission for 40 houses which also contributes to the Council's current five year land supply position and is an important material consideration in the assessment of the application.

The site is considered to relate reasonably well to the PUA, particularly Glenfield in Blaby District. Existing and currently progressing adjacent development means that the impacts on this area of countryside outside Anstey would be limited.

The design proposed is of a reasonable quality and there is no harm relating to matters such as amenity, highway safety and capacity and biodiversity that cannot be mitigated. These issues are therefore neutral in the planning balance.

However, there would be visual impacts in the immediate vicinity of the site together with the loss of a number of trees, and whilst these are not considered to be so harmful that they should be afforded significant weight in the planning balance, they nevertheless weigh against the proposal and should be afforded some limited weight. Whilst the scheme provides a good mix in terms of type and size, it does not provide a full policy compliant number of affordable houses.

On balance, the benefits of the scheme are considered to outweigh the limited areas of harm, as set out above, and the proposal is considered to comply with relevant Development Plan policies when these are taken as a whole. It is recommended that planning permission be granted subject to relevant planning conditions and a Section 106 legal agreement to secure appropriate planning contributions.

RECOMMENDATION A

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under S106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following infrastructure improvements (as detailed above in this report):

- Affordable housing - 9 units; 6 rent and 3 shared ownership
- Healthcare - £23,737
- Libraries - £1,300
- Civic amenity - £2,222
- Education : primary sector - £124,862
- Education : post 16 sector - £27,446
- 6 month bus passes - two passes per dwelling at £360 per pass full cost depends upon uptake
- Travel packs - £2,272
- Improvement to bus stops - £7,240.

Subject to confirmation of CIL compliance:

- Recreation facilities for young people - £40,317
- Outdoor sports facilities - £59,633
- Allotments - £4,905.

RECOMMENDATION B

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following conditions and reasons:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, and shown on the following drawings:

Site layout drawing no. A790/001 Rev.M

House Type 622 - drawing no. 2014/622-PL

House Type 651 – drawing no. 2014/501-PL

House Type 764- drawing no. 2014/764 –PL

House Type 832v1- drawing no. 2014/832v1 –PL

House Type 832v2 – drawing no. 2014/832v2 – PL

House Type 857 – drawing no. 2014/857 – PL

House Type 857 (render) – drawing no. 2014/857 – PL

House Type 867 (render) – drawing no. 2014/867 – PL

House Type 822 – drawing no. 2014/822 – PL

House Type 955 – drawing no. 2014/955 – PL

House Type 1297 – drawing no. 2014/1297 – PL

Garage – drawing no. A790/23

Planting Plans – drawing nos 7763-L-01 Rev B, 7763-L-02 Rev B & 7763-L-03 Rev B

REASON: To define the terms of the permission.

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development.

4. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

5. The landscaping scheme shall be fully completed, in accordance with the details shown on planting plans 7763-L-01 Rev.B, 7763-L-02 Rev.B and 7763-L-01 Rev.B, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. The landscaping on the site shall be managed in accordance with the FPCR Landscape Management Plan dated February 2017.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7. No development shall be carried out on the site unless it is fully in accordance with the mitigation measures recommended in Tables 9 (façade sound insulation), 10 (glazing) and 11 (ventilation) in section 10 of the submitted Acoustic Design Statement (Ref: 17779-1-R1 dated 25th January 2018), compiled by Noise.co.uk Ltd, approved as part of this application.

REASON: To reduce the level of noise from the nearby A46, in the interests of residential amenity.

8. Notwithstanding the details submitted in accordance with condition 6 above, within three months of the date of the commencement full details as to the appearance, location and specification of the proposed fencing to all of the plots shall be submitted in writing to the local planning authority for approval. No dwelling shall be occupied until the fencing for that plot has been completed in accordance with the approved details. The fencing barrier shall thereafter be retained and maintained at all times.

REASON: To reduce the level of noise from the nearby A46, in the interests of residential amenity.

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Travis Baker drawing number T17005 SK01 Rev E have been implemented in full except in so far as the proposed access shall have a gradient of no more than 1:12 for a distance of at least 10 metres behind the highway boundary

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 (2018).

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres and 2.4 metres by 65 metres have been provided to the east and west of the site access respectively. These visibility splays 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 paragraph 108 of the National Planning Policy Framework (2018).

11. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the site access. These visibility splays 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: In the interests of pedestrian safety and in accordance with paragraph 108 of the National Planning Policy Framework (2018).

12. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Gynsill Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with paragraph 108 of the National Planning Policy Framework (2018).

13. No dwelling shall be occupied until such time as its associated parking and turning facilities have been implemented in accordance with Geoff Perry Associates Limited drawing number A4790-001-Rev M. The parking and turning facilities shall thereafter be maintained in perpetuity for their intended use.

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

14. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the

Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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

15. No part of the development hereby permitted shall be occupied until such time as site drainage and drainage maintenance details have been provided to and approved in writing by the Local Planning Authority. The approved site drainage and drainage maintenance details shall thereafter be implemented in full and continue in perpetuity. Hereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

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 (2018).

16. Prior to the commencement of development the Great Crested Newt mitigation measures set out in sections 7.6 – 7.15 of the submitted FPCR Great Crested Newt Survey Report (2018) shall be implemented in full.

REASON: In the interest of biodiversity and protected species in accordance with Core Strategy Policy CS13.

17. No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected, in the manner specified in Appendix B of the submitted FPCR Arboricultural Assessment (2018). Each tree shall be protected in the specified manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site. In accordance with Core Strategy Policy CS13.

18. None of the dwellings on plots 33-36, as shown on the approved plans, shall be occupied before the landscape buffer adjacent to plot 33 has been implemented in full. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

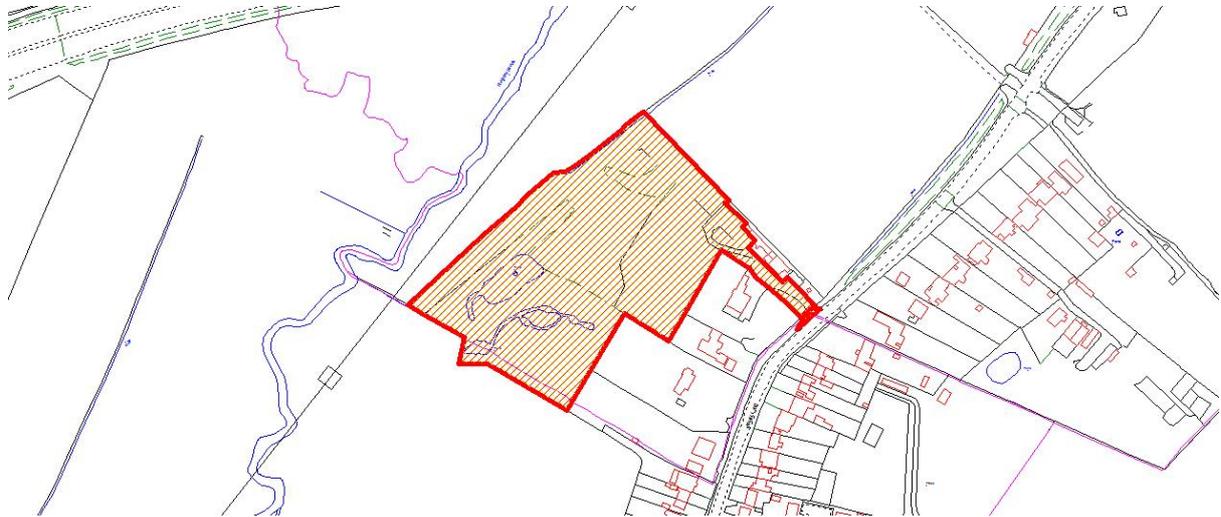
REASON: In the interests of the amenities of neighbours in accordance with Core Strategy Policy CS2 and saved Local Plan Policy EV/1.

The following notes should be taken into account when carrying out the development :

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

2. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

3. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.



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