

3. Description of the Proposal

- 3.1 The proposal is for 26 detached houses of 2 and 2 1/2 stories off one West-East road and 2 short cul de sacs off this. The houses would be between 2 and 5 bedrooms (mostly 3 beds).
- 3.2 The houses would be constructed of render and brickwork.
- 3.3 495m² of green open space would be provided on site.
- 3.4 The application was submitted with the following supporting documents:
 - Tree Report
 - Transport Assessment
 - Design and Access Statement
 - Preliminary Ecological Appraisal
 - Noise Assessment
 - Land Contamination Report
 - Arboriculture Impact Assessment
 - Flood Risk Assessment (amended)

4. Development Plan Policies

- 4.1 The Development Plan for this site comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015) and the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies). and the, Minerals and Waste Local Plan (2019).

The policies applicable to this application are as follows:

[Charnwood Local Plan Core Strategy](#)

- Policy CS1 – Development Strategy - - Deals with the development strategy – Around 3000 houses required for these 7 service centres (including Syston) in the future (existing commitments to meet this) & encourages use of Brownfield land in these service centres.
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS15 - Open Spaces, Sports and Recreation
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 – The Local and Strategic Road Network
- Policy CS24 - Delivering Infrastructure
- Policy CS25 - Presumption in Favour of Sustainable Development

[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Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the Development Plan.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 EV/1 – Design
- Policy TR/18 - Parking in New Development

4.2 [Other material considerations](#)

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

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

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

4.2.2 [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.

4.2.3 [National Design Guide](#)

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

4.2.4 [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.

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

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

4.2.6 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.

4.2.7 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.

4.2.8 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.

4.2.9 Equality Act 2010

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

4.2.10 [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:

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

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

- Policy DS1: Development Strategy
- Policy DS2: Leicester and Leicestershire Unmet Needs
- Policy DS3: Housing Allocations (site reference HA5)
- Policy DS4: Employment Allocations
- Policy DS5: High Quality Design
- Policy SC1: Service Centres
- Policy H1: Housing Mix
- Policy H3: Internal Space
- Policy H4: Affordable Housing
- Policy EV1: Landscape
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV9: Open Spaces, Sport and Recreation

4.2.11 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. Relevant Planning History

Reference	Description	Decision
P/20/2014/2	Demolition of Former Ambulance Station – Approved	Granted

6. Responses of Consultees & Other Comments Received

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 - Leicestershire County Council)	The LLFA acknowledges that the drainage system as proposed would allow for the adequate drainage of the site. However, the LLFA would not be able to support the design in its current form due to issues with maintenance access over the lifetime of the development. So recommend condition requiring condition on surface water drainage strategy and future maintenance arrangements.
Tree Officer, Charnwood Borough Council	<p>In agreement with the points raised by the applicant's Arboricultural Consultant (and these points adequately address the objections raised by the previous CBC Tree Officer).</p> <p>The site is proposed to be allocated within the emerging Local Plan, and the site cannot be developed without adequate access. This access would require incursion into the nominal root protection areas of significant high category trees. Although this is undesirable, the weight given to high category trees, on a site already well furnished with significant trees of mature age, would not be sufficiently outweigh the weight given to a site [proposed to be] allocated within the Local Plan.</p>
Housing Strategy & Support (Charnwood Borough Council)	<p>The Applicant is proposing the following affordable dwelling mix:</p> <ul style="list-style-type: none"> • 6 x 2 bed houses • 3 x 3 bed houses <p>The proposed affordable dwelling mix is acceptable on the basis that this broadly reflects housing need for Syston.</p>
Leicestershire County Council – Highways	The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), (now 111 of the 2023 NPPF) subject to the

	<p>conditions and/or planning obligations . (conditions included on construction of highway access to ensure safety and construction management plan)</p> <p>In view of the viability issues with the development, contributions towards travel packs and bus passes for the 26 dwellings are no longer sought.</p>
Leicestershire County Council - Education	<p>The site falls within the catchment area of The Merton Primary School. The School has a net capacity of 420 and 432 pupils are projected on the roll should this development proceed; a deficit of 12 pupil places after taking into account the 9 pupils generated by this development.</p> <p>Primary School Contribution requirement: would normally be £154,190.40, but in view of the viability issues with the development no contribution towards education is sought.</p>
Leicestershire County Council - Libraries	£940 towards Syston Library, but in view of the viability issues with the development no contribution towards libraries is sought.
Leicestershire County Council - Waste Management	£1,602 towards Mountsorrel Waste Management site, but in view of the viability issues with the development no contribution towards waste management is sought.
Leicestershire County Council - Minerals and Waste	No Objection.
Leicester, Leicestershire and Rutland Integrated Care Board	Seek contribution of £12,664,54 towards expansion of Jubilee and County medical practices.
Charnwood Open Spaces	<p><u>Parks</u> Proposals generate the requirement for 0.02ha of Park provision, which is acknowledged to fall below the minimum area required to provide a formal Park on-site. The Charnwood Open Spaces Assessment 2017 identifies that Syston currently has a shortfall in Parks provision. A development of 28 dwellings would generate the requirement for an off-site contribution of £4,224. To be spent on improvements at Memorial Park, Syston.</p> <p>Proposals generate the requirement for 0.13ha of <u>Natural and Semi Natural Open Space</u>. The Charnwood Open Spaces Assessment 2017 identifies that Syston currently has a shortfall in the quantity of Natural & Semi Natural Open Space provision. A development of 28 dwellings generates the requirement for an off-site contribution of £6,365. To be spent at Glebe Way Open Space, Syston.</p>

	<p>The development appears to provide the requisite <u>Amenity Green Space</u> on-site.</p> <p>Proposals do not indicate provision of a <u>play area</u> on site. It is recommended that an off-site contribution is sought to meet the needs of the development. A development of 28 dwellings would generate the requirement for an off-site contribution of £7,466 to be spent on improving provision in Syston.</p> <p>Proposals do not meet the standards for <u>young people's provision</u> on-site and there is currently a shortfall of provision in this part of Syston.</p> <p>In principle, a contribution towards creating off-site facilities could ensure that increased demand created by the development is met. A development of 28 dwellings would generate the requirement of an off-site contribution of £26,712.</p> <p>The Council's adopted <u>Playing Pitch Strategy 2018</u> identifies that Syston currently has a shortfall in provision. An off-site contribution towards improving the quality and capacity of existing provision should be sought to meet the increased demand generated by the development.</p> <p>A development of 28 dwellings would generate the requirement of an off-site contribution of £6,811.</p> <p>A project to improve the sports pavilion at Memorial Park has been identified.</p> <p><u>Allotments:</u> A development of 28 dwellings would generate the requirement of an off-site contribution of £3,162 towards allotment provision in Syston.</p>
<p>Charnwood Borough Council Environmental Health</p>	<p>The site is impacted by railway noise. For internal noise to meet acceptable levels, glazing and acoustic ventilation requirements have been specified for habitable rooms. These measures are summarised in Section 7 of the report and it is recommended they be conditioned in any approval.</p> <p>In addition, external garden and amenity areas in plots 21 – 26 require installation of the proposed 3.5m high acoustic fence to ensure external noise limits can be achieved. It is recommended this installation is also conditioned.</p>

	<p>Ground remediation measures have been found to be not necessary for much of the site. However, for Plots 5, 6 & 7 ground gas protection measures to Characteristic Situation 2 (CS2) were necessary due to localised, elevated carbon dioxide concentrations attributed to the former underground storage tanks. Provision of gas protection measures in these plots is therefore recommended by condition.</p>
Network Rail	No objection in principle subject to asset protection measures.
Charnwood Biodiversity	<p>Disputes the approach taken to measuring the baseline because the condition of the site had deteriorated after demolition, with the loss of some habitat. This results in an exaggerated conclusion on the value of replacement habitats.</p> <p>Recalculation using the original condition of the site would give rise to a deficit which may need enhanced on site provision, and if not achievable, purchase of biodiversity units from a 'habitat bank' or offsetting payment to the Council.</p> <p>Detailed critique of BIA methodology also provided.</p>

Ward Councillor and Town Council Response	
Responses to publicity	
From	Comments
Councillor Gerrard	<ul style="list-style-type: none"> • No objection
14 objections received from local residents.	<ul style="list-style-type: none"> • Trees need to be pruned to make safe • Concern over ground height difference, will not be exacerbated and will be enforced. • No objection in principle however should be designed to reflect the existing character of the district (such as the Firs development) • To meet standards should be at least 27 metres away from neighbouring property, currently the planned development houses directly overlooking are only 16.750 metres away. • Loss of Biodiversity • Loss of privacy • Noise and light pollution • Disregard of root protection of trees • Increase in traffic

	<ul style="list-style-type: none"> • Loss of security to Fires • Pleased to note reduced from 34 dwellings to 31. • 'They are trying to cram too many properties into too small a space' – out of character.
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7. Consideration of the Planning Issues

- 7.1 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), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 7.2 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 at 1st April 2023) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.
- 7.3 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 applies.

8. Key Issues

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

- a) Principle of Development
- b) Housing Mix/Affordable Housing
- c) Design and Layout
- d) Impact on Residential Amenity
- e) Open Space
- f) Noise
- g) Ecology and Biodiversity
- h) Impact on Trees
- i) Highway Matters
- j) Flood Risk and Drainage
- k) Other Matters

8.1 Principle of Development

- 8.1.1 The principle of development is guided by local plan policy CS1 of the Charnwood Core Strategy (2015). Policy CS1 of the Core Strategy outlines the development strategy for the borough and the distribution of sustainable growth. Core Strategy Policy CS1 states that after the Leicester Principle Urban Area (PUA), Loughborough and Shepshed, the remaining service centres are planned to accommodate the majority of growth over the Plan period. Syston is identified as a service centre in the Core Strategy.
- 8.1.2 The policy also 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.
- 8.1.3 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 site lies within the urban area and defined settlements limits of Syston which establishes the principle of development.
- 8.1.4 Although the housing supply policies of the Development Plan are out of date as the Core Strategy is more than five years old and the Local Planning Authority can currently demonstrate only 4.27 years housing land supply (at 31/3/23), the 'tilted balance' (NPPF 11d) does not apply as the key policies for the determination of the application are ST/1 and Core Strategy Policy CS1, ST/1 presuming in favour of schemes within the development boundary, is not out of date, and Core Strategy Policy CS1 is supportive based on the site's location, and therefore there is a presumption already for a such a policy compliant scheme under NPPF para 11a.
- 8.1.5 Emerging Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach and also proposes a focus of new development in urban centres including Syston. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight at this time.
- 8.1.6 Policy DS3 of the emerging Local Plan identifies the sites required to meet identified housing requirements. The proposed allocation of the site under the emerging local plan policy DS3 (allocation HA3) reinforces the acceptability of the site in principle.
- 8.1.7 Overall, the scheme complies with saved Local Plan policies CT/1 and ST/1 and Core Strategy Policy CS1 due to the site's location within the defined settlement limits making good use of vacant previously developed land. It also complies with emerging

Local plan policies DS1 and DS3 owing to its location and identification as an allocated housing site.

8.2 Housing Mix and Affordability

- 8.2.1 Core Strategy Policy CS3 (Affordable Housing) outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 30% of the units should be affordable homes to meet local needs. Similarly, paragraph 63 of the NPPF also allows for affordable housing contribution on major development sites of 10 or dwellings.
- 8.2.3 The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. These policies generally accord with the NPPF and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 8.2.4 Emerging policy H1 seeks a mix of house types and sizes to meet the overall needs of the Borough in line with up to date evidence. The policy is at an advanced stage, was considered in the hearing sessions in February and is consistent with the NPPF and it is considered can currently be given limited weight. Emerging Policy H3 requires compliance with the Nationally Described Space Standards and similarly holds limited weight.
- 8.2.5 Emerging local plan policy H4 is also relevant which requires 10% affordable housing on Brownfield sites and allows an exception where an independent viability assessment confirms that 'particular circumstances justify a lower level of provision'. It is considered this can also be given limited weight for the same reasons as H1 and H3 above.
- 8.2.6 The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

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

- 8.2.7 The Council's affordable housing officer has endorsed the originally proposed affordable mix of nine units (above). However, since the application was submitted there has been a downturn in the market and a reduction in the number of units to meet concerns about trees and amenity. A viability study, confirmed by independent review, has confirmed the scheme cannot bear an element of affordable housing or requested planning contributions. This is discussed later in this report.
- 8.2.8 Overall, the proposal would include provision of a mix of housing as follows. This deviates from the evidence presented above in terms of the mix, with the balances tilted too far towards larger house types. However, the applicable Policies in this regard are qualified in terms of the need to take account of the viability issues and the character of the surrounding area, and in both matter it is considered there is a strong case to justify deviating from the optimum position. On this basis, it is considered that the degree of variance with Core Strategy Policy CS3 and emerging Local Plan policy H1 is justified.

<u>Mix</u>		
Bed no.	Amount	Mix
2	03	12%
3	14	54%
4	05	19%
5	04	15%
Totals	26	100%

- 8.2.9 As affordable housing has been demonstrated not to be viable, it fulfills the qualifications within the policy and as such there is no conflict with existing or emerging Local Plan policy, so affordable housing provision is neutral in the planning balance.
- 8.2.10 The provision of market housing weighs in favour of the scheme in the planning balance.

8.3 Design and Layout

- 8.3.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV1 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.
- 8.3.2 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The

policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

- 8.3.3 The Core Strategy seeks to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.
- 8.3.4 The proposed units are a mix of two and two ½ storey narrow fronted detached and semi detached houses and larger detached houses with garages and gabled frontages.
- 8.3.5 The elevations have been substantially amended to be more in keeping with the Edwardian and pre-war houses surrounding and the Firs development to the North which echoes this style.
- 8.3.6 The proposed layout is a logical and functional one given the narrow nature of the site and the existing site grading and trees. The site is not prominent given the tree screening and the elevational and street treatment is of an appropriate design to the local context.
- 8.3.7 It is considered a proposal that complied with NPPF, National Design Guide, policies CS2, of Charnwood Core Strategy, EV/1 of Local Plan, DS5 of the emerging Local Plan and the Charnwood Design SPD would be achieved.

8.4 Impact on Residential Amenity

- 8.4.1 Policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan also seek to protect the amenity of existing and future residents, and this is carried forward in emerging policy DS5, which as stated above is considered to carry moderate weight. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.
- 8.4.2 A number of amendments have been made to mitigate the impact of the design on adjoining dwellings including reducing the number of proposed units from 34 to 26 and increasing distances to adjoining houses. In the vast majority of cases the back to back distances are in line with the SPD recommendations and to the south of the site there is little concern regarding loss of privacy due to the intervening thick tree belts. In this section of the site separation distances are more generous and due to the change in levels the views of rear gardens would be cut off.
- 8.4.3 To the north, a number of dwellings surrounding the site though large have surprisingly narrow depth gardens for their size and in most cases the proposal has gardens as deep or deeper. Where there are deficiencies in separation standards (plots 4 and 5, which are both 2 storey) it is by a small margin (0.8m in the case of Plot 4) with outlook onto a relatively narrow gable end. In the case of Plot 5 the deficit against standards is 2m, but the house is 'off set' so that to the rear and does not have a direct 'back to back' relationship, and facing first floor windows serve bathrooms only and will be obscurely glazed. The only way to further mitigate against this would be to develop very large houses on one side of a street only which would

be considered an inefficient use of land and not meeting the Borough's housing needs.

8.4.4 The proposal would, therefore, adequately satisfy the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan and emerging Local Plan Policy DS5 along with NPPF, National Design Guidance. This is neutral in the planning balance as there would be no harm.

8.5 Noise

8.5.1 The rear part of the site adjoins the railway. The accompanying noise report shows there to be no noise issues providing acoustic glazing and trickle vents are provided to a number of dwellings, and an acoustic fence is proposed along their rear boundaries adjacent to the railway. Environmental Health are happy with this proposed mitigation, which can be secured by condition.

8.5.2 Subject to these provisions, the application is considered to comply with the provisions of policies CS2 of the Charnwood Core Strategy and EV/1 of the Local Plan and emerging Local Plan Policy DS5.

8.6 Ecology and Biodiversity

8.6.1 Core Strategy Policy CS13 and emerging Local Plan Policy EV6 seek to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

8.6.2 Emerging Local Plan policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given only moderate limited weight until the emerging policy is further progressed towards adoption, and its expectation for for 10% net gain is limited

8.6.3 The Council's Ecologist is critical of the approach taken in that most recently submitted biodiversity assessment (August 2023) in terms of the baseline employed and the value assigned to various aspects and requests an updated Biodiversity Impact Assessment in order to measure against the pre-demolition condition of the site and devise any compensatory provisions.

8.6.4 The applicant believes that biodiversity net gain can be achieved on site. The Council's Ecologist considers this a little optimistic and states some off site compensation may be required.

8.6.5 A condition is proposed which would examine the exact extent of any deficit once full landscaping details are developed. However, should this result in a net deficit after on-site provision the prospect for compensation by means of payment are compromised. The viability assessment which has been confirmed as valid by the

independent valuer has confirmed there is no scope for S106 contributions for this and other purposes. As a result, it is assessed there would be a deviation from Core Strategy Policy CS13 and emerging Policy EV6 depending on the submissions pursuant to the condition and the assessment that will follow.

8.6.6 In this scenario it would be considered a shortcoming of the scheme which would weigh against the development, although the ecological management plan secured through a condition might achieve no net loss on site if sufficient enhanced measures were secured.

8.7 Trees

8.7.1 Policy EV7 of the Draft Charnwood Local Plan (2021-2037) seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood and supports development that retains existing trees, where appropriate. The emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV7 is largely uncontested and can therefore be afforded moderate weight.

8.7.2 The Tree report showed the need for 'no dig' ground protection because of the location of some parking spaces on the edges of root protection zones. Amendments to the scheme have reduced the impact of these.

8.7.3 The Tree Report states that four trees T3 and T59-T63 are considered suitable for removal because of death, poor condition and in one case suppressing the growth of nearby trees. All other trees identified within this report should be retained and protected. This is considered reasonable given the very extensive tree cover on site (69 trees, 32 of which would be category A or B).

8.7.4 Previous concerns were raised regarding the the site access road passing through part of the root protection area of two trees, though a protective screen was proposed, and inclusion of mature trees in houses gardens, which given the site's size and shape, were difficult to avoid.

8.7.5 This has been responded to by the applicant with a package of protective measures and the Council's Tree Officer does not consider that, with these measures included, the significance of this issue outweighs the weight of the proposed site allocation and that the tree protection measures are adequate.

8.7.6 With suitable conditions there should be no material harm to the protected retained trees and as a result the requirements of emerging Local Plan Policy EV7 are adequately met.

8.8 Open Space

8.8.1 Core Strategy Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF

and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

- 8.8.2 Emerging Local Plan Policy EV9 makes a similar requirement to provide on-site open space, sport and recreation facilities in accordance with standards, having regard to the latest contribute towards off site provision in accordance with our standards, where on site provision is not possible or desirable. The emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV9 is largely uncontested and can therefore be afforded moderate weight.
- 8.8.3 The Council's Open Space Team 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. A planning condition can be imposed to secure on-site open space provision including amenity green space and an area set aside for biodiversity enhancement.
- 8.8.4 The requirement for open space is consistent with Core Strategy Policy CS15 and emerging Local Plan Policy EV9 in respect of on site provision. However, in order to be consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy, the requested off-site contributions towards off site natural and semi natural open space, parks improvements, play area, young persons provision, allotments and playing pitch provision are requested. Notably however the viability report for the scheme shows that, alongside contributions of other types, such contributions are not viable, and this is supported by an independent review. Both Policy CS15 and emerging Local Plan policy EV9 make these request on the basis of 'having regard to viability' (and other exemptions) and as viability has been robustly tested it is considered that little adverse weight can be afforded to this shortcoming
- 8.8.5 Consequently, the proposal is considered to not fully comply with policy CS15 and emerging Local Plan Policy EV9 of the Development Plan, albeit it is considered that the harm arising as a result is limited, and this weighs against the application.

8.9 Highway Matters

- 8.9.1 Policies CS2 and CS18 of the Core Strategy and saved policy TR/18 of the Local Plan seek to ensure safe access is provided to new development and policy CS17 of the Core Strategy is concerned with encouraging sustainable transport patterns together with emerging policy CC5, which seeks to promote development which is well located and accessible to services and or public transport. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway

safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

- 8.9.2 The Local Highways Authority is content with the access arrangements, the road accessed onto has a 30mph speed limit and visibility splays are suitable.
- 8.9.3 The Local Highways Authority has raised no objection and does not consider the scheme raises any safety or capacity issues, and hence is compliant with paragraph 111 of the NPPF, whilst requesting that certain off site bus stop works are funded. Notably however the viability report for the scheme shows that such contributions are not viable, and in light of this the request was withdrawn. Similarly, the original request for travel pack contributions were withdrawn on the 01/09/2023 by the Local Highways Authority.
- 8.9.4 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. Being located close to a wide range of facilities and a range of good transport choices it is considered that the development is in accordance with the relevant policies as referred to above. The site lies within the defined settlement boundary of the adopted Local Plan and emerging Local Plan, within an area favoured for residential development. The development is therefore considered to comply with Policy CS 17 of the Core Strategy and CC5 of the emerging Charnwood Local Plan. This counts positively in favour of the scheme in the planning balance given the sites location close to Syston station and on the main bus routes through Syston. The inability to afford the improvement to bus stops in the area is considered to count marginally against the scheme but not to outweigh this conclusion.

8.10 Flood risk and drainage

- 8.10.1 Policy CS16 and NPPF direct development away from areas at highest risk of flooding.
- 8.10.2 Emerging Local Plan policy CC1 of the Draft Local Plan encourages minor development to incorporate Sustainable Urban Drainage Systems (SuDS). Emerging policy CC2 states development will include appropriate measures to manage flood risk. This policy is at an advanced stage and was discussed at the hearing sessions in June 2022 and is consistent with the NPPF so can be given moderate weight.
- 8.10.3 The development is situated within Flood Zone 1 meaning it is outside a recognised area of flood risk.
- 8.10.4 The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to a detailed surface water

drainage scheme, its management and long-term maintenance of surface water drainage system.

8.10.5 Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy emerging Local Plan policies CC1 and CC2 and the NPPF.

8.11 Other Issues

8.11.1 There are no heritage assets in the vicinity of the site.

8.11.2 The proposed decontamination scheme has been accepted by Environmental Health. Provision of gas protection measures on plots affected by former pollutants is recommended by condition.

8.11.3 The site lies within a minerals safeguarding area (as does all of Syston) but the Minerals Planning Authority have no objection to the proposals.

8.12 Planning Obligations/ S.106 Planning Agreement

8.12.1 Infrastructure Policies CS3, CS15, and CS24 of the Core Strategy require the delivery of affordable housing and 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. As set out within related Regulations such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind.

8.12.2 Consultation regarding the application resulted in requests for the following contributions:

- Affordable Housing
- education capacity (£154,190)
- waste management capacity
- library services (£940)
- bus passes and travel packs (£1602)
- off site open space (£56,000 approximately) and
- surgery capacity (£12,664,54)

These originally recommended contributions are considered to be compliant with Community Infrastructure Levy Regulation 122 and would have allowed the infrastructure provision to meet Core Strategy policies CS3 (affordable housing), CS15 (off site open space), CS17 (public transport) CS 24 (Delivering Infrastructure), and the equivalent in emerging Local Plan Policies H4, EV9 and CC5 respectively. However, the viability study has shown these to be unviable, the primary reason being the cost of decontamination resulting from the removal of a large underground fuel storage tank on site.

8.12.3 Following discussion regarding viability, the County Council requests relating to highways (bus passes and travel packs), education, libraries and waste management were withdrawn on 01/09/2023. The NPPG states 'The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances'. However, alongside this paragraph 34 of the NPPF states 'policies should not undermine the deliverability of the plan.'

8.12.4 This lack of provision counts against the scheme in the planning balance. However, alongside this the lack of a 5 year housing land supply and the proposed allocation of this site weigh strongly in its favour. It should be noted that this site is not one of the larger proposed allocations in Syston where contributions towards a new school is required.

9. Planning Balance/Conclusion

9.1 The site is proposed for allocation within the existing and emerging development plan settlement limits. As such there is a presumption in favour of development, reinforced by the lack of a 5 year housing land supply. Overall, the benefits of housing, on a proposed allocated site, are considered to outweigh the lack of developer contributions for affordable housing, education, open space and transport improvements (comprising travel packs and bus stop improvements)

9.2 There is concern that biodiversity interests may be harmed but that cannot be quantified until full landscaping plans are produced. A condition is suggested to undertake this calculation, but there remains a risk of a deficit which would be adverse in the planning balance. Tree loss is limited to four, but due to their health and condition are not considered to be a significant adverse effect. Residential amenity meets standards in most cases and where marginally deficit, the detailed circumstances offer adequate mitigation.

9.3 Otherwise, the scheme is policy compliant and there is no objection from the Local Highway Authority. Having regard to the development plan and all other material planning considerations the presumption in favour of the Development Plan applies. It is considered that the application accords with the main provisions of the Development Plan, which are reinforced by general compliance with the Emerging Local Plan. The issues that are found to represent departures from the Development Plan (and emerging Local Plan) are not considered to be considerations of sufficient weight to merit refusal of the application.

10. Recommendation

10.1 It is recommended that the application be **Approved**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details.
 - o Location Plan (04)001 – 01
 - o Proposed site layout Plan (04)03 - 01 Rev. M (1)
 - o Proposed Site Plan Access Series - (04)03 - 03 Rev. K
 - o Proposed Green Spaces (04)04 - 03 Rev. B
 - o Proposed Landscaping Plan (04)04 -01 Rev. L
 - o (04)03-04 Proposed Site Plan - Access - REV G
 - o Proposed Site Elevation Series Site Elevations C-D Rev. G (04)07-02
 - o Proposed Site Elevations Series Site Elevations E-F (04)08-03 Rev. J
 - o Proposed Site Elevations Series Site Elevations A-B (04)08-01 Rev. F
 - o Proposed Site Section A-B - (04)06 -01 Rev. C (1)
 - o Site Sections A-C (04)02 – 01 Rev.A
 - o Site Sections D-G (04)02-02 Rev. A
 - o Proposed Material Plan (04)03-03 Rev. K (04)
 - o 04 -01 Rev. L04 Proposed Landscaping Plan
 - o Proposed Green Spaces (04)04 - 03 Rev. B
 - o Proposed Site Details A-D - (04) 06 -02 Rev. G
 - o (04)08-03 Proposed site elevations E-F - Rev G
 - o Proposed Site Details - (04)05 -01 Rev. C (1)
 - o Proposed House Type A (Plot 01) (04)07 – 21
 - o House Type Cv.1 (PLots 02 03) (04)07-24
 - o House Type Bv.1 (Plot 4) (04)07-22
 - o House Type Cv.2 (Plots 05) (04)07-25
 - o House Type Gv.2 (Plots 06, 07) (1) (04)07-32
 - o House Type J (Plots 08, 09) (04)07-35
 - o House Type Bv.2 (Plot 10) (04)07-23
 - o House Type Dv. 1 (Plot 11, 15) (04)07-26
 - o House Type Dv. 2 (Plots 12, 13, 14) (04)07-2
 - o House Type Fv.2 (Plot 16, 20) (04)07-30
 - o House Type Fv. 1 (Plots 17) (04)07-29
 - o House Type E (Plots 18, 19) (04)07-28
 - o House Type Gv.3 (Plots 21, 26) (04)07-33
 - o House Type Gv. 1 (Plots 22, 24, 25) (04)07-31
 - o House Type H (Plot 23) (04)07-34
 - o Garage (Plots 04, 10) (04)07-36
 - o Proposed Tree Root Protection Plan - (04) 04 -02 Rev. K

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

3. No dwelling shall be occupied until the access arrangements shown on drawing (04)03-04 Proposed Site Plan - Access - REV K, have been implemented in full. Visibility splays shall thereafter be permanently maintained, and shall remain free of any structure, erection or vegetation exceeding 0.6 metres in height.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 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 (2023).

5. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023)

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing, number (04)03-01 Rev M(1). Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

7. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.

The Plan shall provide for:

- Details of the routing of construction traffic to and from the site;
- the parking of vehicles of site operatives and visitors;
- wheel washing facilities; and
- a timetable for implementation

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

REASON: To comply with the requirements of the Local Highways Authority and to mitigate disruption from construction, in accordance with Policy CS2 of the adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

8. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the management of surface water on site during all stages of construction, dust monitoring and dust suppression, noise controls and hours of working. The approved Construction Environmental Management Plan shall thereafter be adhered to throughout the construction period for the development.

REASON: To comply with the requirements of the Local Highways Authority and to mitigate disruption from construction, in accordance with Policy CS2 of the adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

9. No development shall take place until details of a surface water drainage/SUDS scheme have been submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage scheme shall be informed by infiltration testing which shall first have been carried out (or suitable evidence provided to preclude testing), to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element. The development shall thereafter be carried out and maintained in accordance with the approved details and in accordance with an agreed timetable.

REASON: To comply with the requirements of the Lead Local Flooding Authority in accordance with Policy CS16 of the adopted Core Strategy 2015 and CC1 of the emerging Charnwood Local Plan 2021-37.

10. 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.

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.

REASON: To comply with the requirements of the Lead Local Flooding Authority in accordance with Policy CS16 of the adopted Core Strategy 2015 and CC1 of the emerging Charnwood Local Plan 2021-37..

11. The existing trees within the site, as indicated for retention on the Tree Constraints Plan in the submitted Preliminary Arboricultural Impact Assessment and the Proposed Tree Root Protection Plan - (04) 04 -02 Rev. K, shall be retained and protected in accordance with the Preliminary Arboricultural Impact Assessment, and shall not be felled, lopped, topped or uprooted. Any of the existing trees which are removed, die, are severely damaged or become seriously diseased shall be replaced with trees of a size and species previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins. No development, including site works, shall begin until each tree to be retained has been protected in a manner which shall have first been agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the 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 on it. 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: To implement the Arboricultural Impact Assessment and comply with emerging EV7 of the emerging Charnwood Local Plan 2021-37.

12. Prior to the development progressing above slab level (or such alternative time frame as agreed in writing with the Local Planning Authority) a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:-
 - i) the treatment proposed for all ground surfaces, including hard surfaces;
 - ii) planting schedules across the site, including species, sizes, numbers and densities of plants and trees;
 - iii) finished levels or contours within any landscaped areas;
 - iv) existing and proposed ground levels, and finished floor levels of all buildings relative to the proposed ground levels;
 - v) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure;
 - vi) functional services above and below ground within landscaped areas; and all existing trees, hedges and other landscape features, indicating clearly any to be removed. The landscaping works shall be carried out in accordance with the approved details in accordance with an agreed implementation plan.
 - vii) Details of all external lighting proposed
 - viii) The timetable for the implementation of the above.

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

REASON: To comply with saved Local Plan Policy EV/1, Policy CS2 of the Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

13. Prior to the occupation of any dwelling a Landscape Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological areas and surface water drainage systems and details for their future management. The development shall then be carried out and maintained in accordance with such details as are approved.

REASON: To comply with saved local plan policy EV/1, Policy CS2 of the Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

14. No development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority; and shall include, based on the measures contained in the submitted Preliminary Ecological Appraisal by Brindle and Green Jan 2018
 - Measures to maximise the biodiversity of newly created habitats and demonstrate their ability to support protected and priority species, including demonstrating biodiversity net gains;
 - Details of the location, number and design of nesting bird boxes, bat boxes and invertebrate hibernacula to be incorporated into the development.
 - A timetable for their implementation;
 - Details of the means of future maintenance

The approved Ecological Management Plan shall then be fully implemented in accordance with the agreed timetable and maintained in accordance with the approved details.

REASON: To comply with in accordance with Policy CS13 of the adopted Core Strategy 2015 and EV6 of the emerging Charnwood Local Plan 2021-37.

15. Prior to the occupation on houses on plots Plots 5, 6 & 7 as shown on site plan Proposed Site Plan (04)03 - 01 Rev. M (1); a scheme for protection of infiltration of gas and related decontamination, as recommendation in Ground gas monitoring, supplementary contamination assessment 13th Dec 2023 by Erda Associates shall be submitted to and approved by the local planning authority, and the approved scheme shall be implemented in full and maintained thereafter.

REASON: To comply with Paras. 174 e and f of the National Planning Policy Framework.

16. The development shall be carried out in accordance with the recommendations of the Noise Assessment (Spire Environmental, Report Number: R23.1246-3-AG 15th June 2023, Part 7 page 34) in respect of glazing, acoustic trickle vents and the provision of acoustic fencing along the east boundary of the site.

REASON: To ensure noise exposure is managed, in the interest of residential amenity and to accord with Policy CS2 of the Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

17. Prior to the occupation of any of the houses comprising Plots 21 – 26, the acoustic fencing shall be erected along the rear (east) boundaries of the plots. Details of the fencing shall be submitted to and agreed by the Local Planning Authority prior to its installation. The barrier shall subsequently maintained on a permanent basis.

REASON: To ensure noise exposure is managed, in the interest of residential amenity and to accord with Policy CS2 of the Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

18. The materials used in the development shall accord with the details specified in plan reference Proposed Materials Plan (04)03-03 Rev. K (04) hereby approved.

REASON: To ensure satisfactory standard of design in accordance with saved local plan policy EV/1, Policy CS2 of the Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

19. The boundary treatment for each plot shall be installed prior to the occupation of the plot concerned in accordance with plan reference Proposed Landscaping Plan (04)04 -01 Rev. L hereby approved.

REASON: To ensure a satisfactory standard of residential amenity, in accordance with saved local plan policy EV/1, Policy CS2 of the Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37.

APPLICATION SITE





ELEVATION E

