

Item No. 5e**Application Reference Number:** P/22/1990/2

Application Type:	Full	Date Valid:	3.11.2022
Applicant:	Ms J Bird		
Proposal:	Construction of one dwelling with access from Westfield Drive.		
Location:	Land to the rear of 49 and 51 Radmoor Road, Loughborough Leicestershire, LE11 3BP		
Parish:	N/A	Ward:	Loughborough
Case Officer:	Jim Worley	Tel No:	07591 947043

1. Background

- 1.1 This application is reported to Plans Committee following a 'call in' in by former Councillor Parton citing his support of the objections received on the topics of:
- Biodiversity impact
 - Traffic and access
 - Water table implications
 - Allotments
 - Procedural requirements

2. Introduction and Description of the Site

- 2.1 The application site is land which has the appearance of being 'left over' from the recently completed Westfield Drive development. It was excluded from the site and layout of that development owing to, it is understood, difficulties with establishing the ownership. It has now come forward accompanied with 'Certificate B' now that ownership has been established. Planning permission for nine dwellings was granted (March 2021) by the Council on the land directly adjacent to the site, under application reference: P/20/0642/2. Located to the west and north of the current application site, this approval created a mix of traditionally designed brick and tile 1 and 1.5 storey properties, fronting towards a new private access road.
- 2.2 The site is surrounded by residential development; the new development referenced above and houses on Radmoor Rd to the rear (south). It is flat with some small mainly fruit trees in the site with conifers on the edge. The wider site, now containing the development of nine houses, was understood to have been in allotment use but was disused and overgrown at the time of that application in 2020. The background of this site is similar, the site is currently in an overgrown state and is not thought to have been in use as an allotment for a number of years, but it is understood to have been its use at some point in the past.

- 2.3 To the east of the site is an existing cluster of five infill plots, forming Brockington Place. These form larger 2 storey brick and tile dwellings. To the south of the application site are bungalows that front onto Radmoor Road. These form brick and tile structures of varying designs. All properties follow the traditional layout with parking and incidental garden areas to the front and private amenity space to the rear.

3. Description of the Application

- 3.1 The application seeks full planning permission for a single dwelling within a modern estate of recently completed bungalows in Westfield Drive. The application would be for a modern style low profile bungalow in the north east corner of the development.

- 3.2 It would be single storey and reflect very closely the style of the bungalows within the existing estate. The bungalow will have a traditional appearance and be constructed from red brick, with grey roof tiles. The main section of the dwelling will be formed to a depth of 6.2m and have a width of 11m. A front master bedroom will project 4.15m off the front elevation with a width of 4.75m. To the rear elevation a living room will project 3.6m, with a width of 4.75m. The roof will be formed to a height of 2.4m to eaves, and 4.8m to the ridge line.

- 3.3 The application is accompanied by the following documents:

- Ecology report (Nov. 2022)
- Arboricultural Impact Assessment (November 2022)
- Planning Statement (November 2022)
- Biodiversity Assessment (June 2023)

4. Development Plan Policies

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

- 4.2 The policies applicable to this application are as follows:

4.2.1 [Charnwood Local Plan Core Strategy](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS 15 - Open Spaces, Sports and Recreation
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 – The Local and Strategic Road Network
- Policy CS25 - Presumption in favour of sustainable development

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

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

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

4.2.3 Minerals and Waste Local Plan (2019)

This document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.

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

The site is not within a Minerals Safeguarding Area.

5. Other material considerations

5.1 [The National Planning Policy Framework \(NPPF September 2023\)](#)

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

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving well-designed places.
- Section 15: Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

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

5.3 National Design Guide

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

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

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

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

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

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

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

5.7 Leicestershire Highways Design Guide

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

5.8 Technical Housing Space Standards (2015)

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

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

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

5.10 Equality Act 2010

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

5.11 [The Draft Charnwood Local Plan 2019-37](#)

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024

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

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

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

- Policy DS1: Development Strategy
- Policy DS5: High Quality Design
- Policy H1: Housing Mix
- Policy H3: Internal Space Standards
- Policy CC4: Sustainable Construction
- Policy CC5: Sustainable Transport
- Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7: Tree Planting
- Policy EV9: Open Spaces, Sport and Recreation

5.12 Planning Guidance for Biodiversity June 2022

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

6. **Relevant Planning History**

The site access has the following history:

Reference	Description	Decision
P/20/0642/2	Proposed erection of 9 dwellings including access, parking and landscaping.	Granted 3.3.2021

7. **Responses of Statutory Consultees**

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

Consultee	Response
Leicestershire County Council – Local Highway Authority (LHA)	<p>Refers the Local Planning Authority to current standing advice and advises the LPA to consider the following points:</p> <ul style="list-style-type: none"> • The site is located on Westfield Drive which is an adopted, unclassified road subject to a 30mph speed limit however access to the proposed new dwelling will be taken from Kestrel Close which is a private and unadopted road accessed directly from Westfield Drive. The LHA therefore advise the LPA to consider the access arrangements adjoining the adopted highway network in accordance to Figure DG17 of Part 3 of the Leicestershire Highway Design Guide. • Parking provision should be in accordance to Section 3.151 of the LHDG. Parking spaces should have the minimum dimensions detailed with Section 3.165 of the LHDG.

	<ul style="list-style-type: none"> • Consideration should be given to section 3.196 and 3.197 of the LHDG in respect of catering for refuse and emergency vehicles.
Charnwood Biodiversity	<p>The BIA has assessed the allotment as being in “moderate” condition which is appropriate. Although the hedgerow assessment is incomplete my understanding is that these should be classed as private garden boundaries and therefore a separate assessment is not required. Further, given that this is an application for a single dwelling and it is reasonable to expect that an offsetting payment would be pooled, the flat rate agreement setup fee (£7000) can also be waived. This would mean that the total net loss is 0.12HU requiring £3,129 in compensation. I recommend that we approach the applicant with a view to securing a Unilateral Undertaking for this amount.</p>

Ward Councillor and Parish Council Response	
Councillor Parton	Supports the objections (as set out below)
Responses to publicity	
From	Comments
Three letters received from three neighbouring addresses.	<ul style="list-style-type: none"> • three of the neighbours to be consulted on the 27/11/22 and were unaware of Planning Application P/22/1990/2. No one that lives in Brockington Place has received written notification. • This development is on a private allotment. It has been cultivated for forty years. If the council are mindful to grant consent, then they need to make the developer aware of the 1950 allotments act that details the period of written notice required and compensation payable for terminating the plot holder's tenancy. • the drainage pond from the previous development was filling up and not draining away. The well in the centre of the allotment was approximately one metre below ground level. The ground level of the house on Plot 9 is approximately 30 cm below the ground level of the site so only approximately 70 cm left before ground water flooding effects this plot. • Biodiversity provision for the former scheme were not implemented, but natural features were lost. • The development would generate a loss of 3.51 biodiversity units (48.9% loss). • The BIA did not include a bat roosting box and 4 bird boxes on the site. • frogs, toads and newts are present on the site. Frogs frequent the pond particularly in Summer. • Hedgehogs are present on the site. • Much of the objection to 20/00462/2 applies also to this site.

	<ul style="list-style-type: none"> • The developer has shown disregard to neighbours, health and safety and wildlife. • This development will add to the traffic using Kestrel Close, which passes by other houses, to reach Westfield Drive. It will add further to the noise nuisance. • If this new development is allowed, any planning conditions attached can be expected not to be enforced by the Planning Department at Charnwood and this is a further reason for rejecting this proposal. • To combat climate change, this dwelling should be built to the highest standards (e.g. passive house). I see no evidence that this will be the case.
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8. Consideration of the Planning Issues

8.1 The key issues in considering this application are:

- Principle of Development
- Housing Mix
- Design & Layout
- Impact on Residential Amenity
- Ecology and Biodiversity and Impact on Trees
- Highway Matters
- Allotment Land

9. Key issues

9.1 The Principle of the Development

9.1.1 The starting point for decision making on all 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 this part of Charnwood which comprises the Charnwood Local Plan (2011-2028) Core Strategy, 'saved' policies of the Borough of Charnwood Local Plan which have not been superseded by the Core Strategy and the Minerals and Waste Local Plan (2019)

9.1.2 The Core Strategy and Borough of 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. With the exception of policies which relate to the supply of housing, the relevant policies listed above are considered to be up-to-date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

- 9.1.3 As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years) and therefore, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d ii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, when assessed against the policies of the Framework taken as a whole, for planning permission to be refused.
- 9.1.4 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 and part 11d ii) does not then apply. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets which in this case includes the Conservation Area. In this case, the site is not in conflict with policies protecting an area specifically protected by the NPPF (the impact on heritage assets is addressed below) such that the NPPF's presumption in favour of sustainable development and the 'tilted balance' applies.
- 9.1.5 The application site is located within the Development Limits for Loughborough as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy in which Loughborough urban area is a favoured location for residential development.
- 9.1.6 Emerging Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach and also proposes a focus of new development in Loughborough and other urban centres. 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.
- 9.1.7 Core Strategy Policy CS 17 seeks to locate development so as to facilitate a 'modal shift' in transport modes. Emerging Local plan Policy CC5 seeks to promote development which is well located and accessible to services and or public transport.
- 9.1.8 Being located close to a wide range of facilities and a range of good transport choices, it is considered that the principle of the development, to the extent of its general location, is acceptable and 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, in principle, is therefore considered to comply with Policy ST/2 of the adopted Local Plan, CS1 and CS 17 of the Core Strategy and DS1 and CC5 of the emerging Charnwood Local Plan.

9.2 Housing Mix

- 9.2.1 Core Strategy Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and affordable housing within schemes of 10 or more. The application is for a single dwelling and is not proposed as an extension of the existing development of nine dwellings in the estate.

- 9.2.2 Emerging policy H1 seeks a mix of house types and sizes to meet the overall needs of the Borough in line with up to date evidence. The policy is at an advanced stage, was considered in the hearing sessions in February and is consistent with the NPPF and it is considered can currently be given limited weight. Emerging Policy H3 requires compliance with the Nationally Described Space Standards and carries limited weight due to representations received against..
- 9.2.3 The latest evidence of need is provided by the Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of market housing. This includes the following housing mix:

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

- 9.2.4 The proposal will provide a 3 bedroom bungalow in excess of the Government's 'Technical housing standards - nationally described space standards' as sought by emerging policy H3.
- 9.2.5 The proposal provides a single 3 bedroomed bungalow for which there is identified need. It is therefore considered to comply with the expectation of Core Strategy Policy CS3, and emerging Local Plan policies H1 and H3.

9.3 Design and Layout

- 9.3.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.3.2 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.
- 9.3.3 The design draws heavily from the recently completed development of which the site essentially forms part. The design utilises the components of that development in terms of scale and angular roof arrangement over gables, eaves level and roof pitch, fenestration detail and materials such that it would be very complementary and harmonious in appearance.
- 9.3.4 It would share the building line of the adjacent house and the others in the estate and has similar plot ration and garden sizes as those.

9.3.5 On this basis it is considered the proposal, in architectural terms, would not give rise to harm to the character of the area and is compatible and accords with the NPPF, National Design Guide, policy CS2 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD and emerging Local Plan Policy DS5.

9.4 Impact on Residential Amenity

9.4.1 Policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan seek to protect the amenity of existing and future residents. Saved policy EV/1 of the Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

9.4.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

Existing properties

9.4.3 The house would be sufficient distance from those to the rear to avoid overlooking or overshadowing, and its impact is assisted by its single storey scale, and boundary fencing (proposed) would provide effective screening for privacy purposes.

9.4.4 Plot 9 of the new development, adjacent, presents a blank side elevation to the plot and it would not project either further forward or back, meaning that front and rear windows would not be affected. Due to its low scale, position off the boundary by approx. 1.5 m and orientation north of plot 9 it is not considered it would unduly affect this dwelling as a result of overshadowing or being overbearing.

9.4.5 Access would be on to the new estate road which links to Westfield Drive adjacent to no 43. It is considered that within the context of wider traffic flows, including those from the new development, that the additional traffic from one dwelling will be negligible and will not reduce living conditions (of nos 43 and 45) to unacceptable levels.

Future occupants

9.4.6 It is considered that the building would be provided with sufficient amenity provision. It would be centrally located within its plot (left to right) and would leave sufficient space to the rear for garden.

9.4.7 Overall, therefore, it would comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance, Emerging Local Plan Policy EV5 and the guidance set out in the Design SPD to protect residential amenity.

9.5 Highway Matters

- 9.5.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS18 of the Core Strategy requires network improvements where they are identified in Transport Assessments. Policy TR/18 of the Saved Local Plan requires off-street parking to be provided for vehicles and cycles to secure highway safety and minimise harm to visual and local amenities. Adopted standards as set out in the saved Local Plan are provided as a starting point to assess the level of provision. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.5.2 The NPPF promotes sustainable travel choices and states development should ensure safe and suitable access, reflection of national guidance and mitigation of any significant impacts. It states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraphs 110-112).
- 9.5.3 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development.
- 9.5.4 The application proposes access onto a private drive. Parking is provided to the front for two vehicles and meets the required Leicestershire County Council Highways standards numerically and in terms of their dimensions. The house would share the access road of the small development of nine units which already provides for access by emergency vehicles, bin collections and deliveries by HGV's etc, and these would not be impeded by the development.
- 9.5.6 On this basis it is considered that the relevant adopted and emerging policies are satisfied. The small scale of the development means that there are no wider highways infrastructure issues.

9.6 Flood risk and drainage

- 9.6.1 Policy CS16 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The policy requires development to manage surface water run off with no net increase in the rate of surface water run off for green field sites. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.
- 9.6.2 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.

9.6.3 The development is situated within Flood Zone 1 and being at low risk of fluvial flooding as identified by the Environment Agency flood maps and is not vulnerable to other forms of flooding.

9.6.4 Surface water disposal would be directly to the public sewer. There is no indication of capacity issues to inhibit this.

9.6.5 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.

9.7 Impact on Biodiversity interests including trees

9.7.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.

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

9.7.3 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.

- 9.7.4 Although a tree would be retained towards the rear of the site the BIA associated with the application recognises a net loss of 0.12 habitat units will occur, with no prospect of a remedy on site due to the size of the site. It is proposed that this is remedied by a s106 payment to contribute to off site provisions in accordance with the calculated loss of £3,129. This could be secured via a unilateral undertaking. The derivation of this calculation and the resultant sum have been verified by the Council's ecological advisor. The planning obligation is considered to be necessary, related to the development and for planning purposes (Biodiversity compensation in accordance with NPPF paragraph 174 and the above referenced Policies) and therefore compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. The request has been accepted by the applicant.
- 9.7.5 This approach is supported by Core Strategy Policy CS13, emerging Local Plan Policy EV6 and the Council's Planning Guidance for Biodiversity June 2022.

9.8 The Loss of Allotment Land

- 9.8.1 Policy CS15 of the Core Strategy seeks to retain open space and recreation facilities unless they are clearly surplus to requirements or replacement provision of at least equal quantity and quality will be made in a suitable location. Paragraph 97 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which demonstrates the open space is surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location. Emerging Local Plan Policy EV9 makes the same requirement and is considered to carry moderate weight owing to its advancement within the Examination process, consistency with the NPPF and limited contention.
- 9.8.2 The Councils' Open Spaces Study 2017 identifies that there is a shortfall of allotment land within Loughborough equating to over 9 hectares. The ward where the site lies is deemed to have an excess of provision but the development of which the site would, essentially, form part made provision for compensatory allotment space by means of a s106 agreement to a value of £60,334, dedicated to increasing capacity at Shelthorpe allotments.
- 9.8.3 The proposal would result in the loss of further former allotment land. Hence, it would exacerbate this shortfall and, accordingly, the site is not surplus to requirements. With the lack of allotment land that the Open Spaces Study identifies, this shows that the site has a public value. There is no reason to differentiate between the function of private and public allotments because, in practice, they are typically let out on an individual basis. It is for this reason that in order for the loss of the allotment land to be acceptable, an offsite contribution towards enhancing and creating replacement provision elsewhere in the locality is requested in order to satisfy the requirements of Policy CS15 of the Core Strategy and the National Planning Policy Framework.

- 9.8.4 It is concluded that the proposal would have an acceptable effect on the provision of open space in relation to allotments. Taking into account the financial contribution of £60,334 associated with the nine dwelling development a proportionate and fair contribution for this would be a 10% addition (the 'land take' for this plot proportionately marginally less than the nine houses because it does not include highway and drainage infrastructure) of £6,033 to be dedicated to the same project within Loughborough as the previous contribution.
- 9.8.5 This contribution would enable compliance with Policy CS15 of the Core Strategy and EV9 of the emerging Local Plan which seek to meet strategic open space needs by securing replacement provision of at least equal quantity and quality will be made in a suitable location. It is suggested that the sum is paid on commencement of development. Subject to the above being agreed, the planning obligation is considered to be necessary, related to the development and for planning purposes (replacement of lost allotment land) and therefore compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. This request has been accepted by the applicant.

9.9 Other matters

- 9.9.1 Drainage and flooding: the application proposes to make use of mains sewers and as such will not exacerbate any issues related to the balancing pond, as referenced in objections received. Site levels can be controlled (by means of condition) such that the solum would exceed the levels of the water table as reported.
- 9.9.2 Ownership issues: the applicant is not the same as that of the adjacent development and reported shortcomings cannot be taken into account, as a matter of prejudice. Ownership is a not a planning consideration and it is noted 'Certificate B' conforming that the applicant is not the sole owner of the site has been provided.
- 9.9.3 Allotments: the requirements associated with eviction of allotment holders is noted but is separate from, and not overridden by, the granting of planning permission.
- 9.9.4 Planning application procedures: The range of notification has been examined and it is confirmed that all properties requiring notification have been approached.

10. **Conclusion**

- 10.1 Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.
- 10.2 As the Core strategy is now five years old and the Local Planning Authority cannot currently demonstrate a 5-year supply of housing land (4.27 years), any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11dii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.

- 10.3 The scale and appearance of the proposed dwelling is considered acceptable in design and townscape impact terms and would comply with saved Policy EV/1 of the Borough of Charnwood Local Plan, Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and emerging Policies DS5 and DS1 of the Draft Charnwood Local Plan and the Design SPD in terms of design and layout.
- 10.4 The proposal would be served by a safe and suitable vehicular access and off-street parking would be provided.
- 10.5 The proposal would make a small contribution of one unit to the overall housing shortfall (a deficiency of some 839 dwellings), the benefits of this limited housing provision albeit of a type for which there is identified need, should be considered positive in the overall planning balance. The proposal would also be likely to generate some economic activity during construction and upon occupation, but all developments of this nature are likely to result in such effects.
- 10.6 Applying the presumption in favour of sustainable development through application of the tilted balance in paragraph 11dii), it is considered that the identified adverse impacts would significantly and demonstrably be outweighed by the benefits of the development (addition of a smaller dwelling unit to the supply of housing) when assessed against the NPPF taken as a whole.

11. RECOMMENDATION

11.1 RECOMMENDATION A:

That subject to the receipt of a Unilateral Agreement under s 106 of the Act making adequate provision for:

Biodiversity	a sum of £3,129 towards off site provision for biodiversity compensation as set out at section 9.9.4 above, and;
Allotment provision	a sum of £6,033 payable for compensatory allotment provision, as set out in section 9.10 above

11.2 RECOMMENDATION B:

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

- 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 hereby permitted shall be carried out in accordance with the following approved plans:
 - 22 94 3 Location Plan/ block plan
 - 22 94 2 Proposed site plan
 - 22-94.4 Proposed Floor Plans and Elevationssubmitted to the Local Planning Authority on 1.11.2022
REASON: For the avoidance of doubt and to define the terms of the planning permission.
3. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted to and agreed in writing by for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.
REASON: To make sure that the appearance of the completed development is satisfactory. in accordance with policies CS2 of the Charnwood Core Strategy and EV/1 of the Local Plan 2004, National Design Guidance, Emerging Local Plan Policy DS5 and the guidance set out in the Design SPD.
4. The parking provision shown on plan ref. 22 94 2 hereby approved shall be provided prior to first occupation of the dwelling and shall be retained thereafter and available for use on a permanent basis.
REASON: To ensure adequate parking on the site in accordance with Policy TR/18 of the adopted Charnwood Local Plan 2004 and Emerging Local Plan Policy T3.
5. Prior to the commencement of development, details of proposed finished ground and floor levels of the development, in relation to a datum levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with the approved details.
REASON: In the interest of visual amenity and safeguarding against ground water and in accordance with policies CS2 and CS16 of Charnwood Core Strategy and EV/1 of the Local Plan 2004, National Design Guidance, Emerging Local Plan Policy DS5 and the guidance set out in the Design SPD to protect residential amenity

SITE LOCATION AND BLOCK PLAN

