

Application Reference Number P/23/0271/2

Application Type:	Outline Planning	Date Valid:	13/02/2023
Applicant:	Mr S Edmunds		
Proposal:	Site for the erection of up to 3 dwellings (Outline planning application with all matters reserved except the access)		
Location:	Land adj. 1 London Lane Wymeswold, LE12 6UB		
Parish:	Wymeswold	Ward:	The Wolds
Case Officer:	Deborah Liggins	Tel No:	07864 603401

1. Background

- 1.1 This application is brought to the attention of the Plans Committee as the proposal is on land within the countryside and the recommendation is contrary to the Development Plan.

2. Description of the Site

- 2.1 The application site amounts to 0.24ha of paddock land and a tennis court formerly associated with the occupation of No. 1 London Lane. Previous planning applications relating to No. 1 London Lane and going back to the 1990's showed the whole of the site outlined in red as being residential curtilage to that property. However, since the application was lodged that dwelling has been sold and the land the subject of this application, no longer has associations with that residential property. A revised site location plan showing a reduced red line area and revised blue line area was received on 5th October 2023.
- 2.2 No. 1 Wymeswold Lane is the nearest dwelling to the site and is a two storey brick and slate house which has been previously extended. It benefits from a range of outbuildings as shown on the ordnance survey map and takes vehicular access off London Lane.
- 2.3 The site lies outside the designated Conservation Area for Wymeswold and just outside the Wymeswold Limits to Development and in 'countryside' as identified in the Borough of Charnwood Local Plan. The site lies within Flood Zone 1 and is land at low risk of fluvial flooding – land immediately north and retained in the applicant's ownership and not included within the application site is within Flood Zone 3 being active flood plain to the River Mantle.
- 2.4 The character of the site is paddock land with large trees arranged in an L-shaped group spanning most of the western and southern site boundaries. The existing

tennis court is largely screened to the roadside with a rural hedge interspersed with trees and is mostly invisible to Hoton Road.

2.5 Surrounding land uses are as follows:

Boundary	Adjacent land use
West	Agricultural land
South	Hoton Road
East	Dwelling of 1 London Lane
North	River Mantle

2.6 There is an existing gated but unsurfaced four metre wide vehicular access off Hoton Road which is intended to serve the site. This is positioned where the speed limit drops to 30MPH but is approximately 3m east of the national speed limit starting for traffic heading west towards Hoton. There is a grass verge adjacent to the access but no formal footway.

3. Description of the Proposal

3.1 The application seeks outline planning permission with all matters reserved for future approval except the access arrangements which are for consideration now. The existing access off Hoton Road would be utilised and widened to five metres and the existing gates would be removed. The access would be hard-surfaced and would incorporate visibility splays of 2.4m x 215m to the west and 2.4m x 85m to the east.

3.2 The application plans show an indicative layout and a possible mix of single storey and two storey dwellings but the elevations to the dwellings and their layout are for illustrative purposes only.

3.3 The following documents accompany the application:

- A Preliminary Ecological Appraisal – prepared by BJ Collins and dated Feb 2023. This is based on a survey of the site carried out in January 2023 when the site was found to comprise modified grassland, tennis court, recently felled woodland which were all of low conservation value. The surrounding site boundaries contain habitats of value to birds and bats, with nesting habitat for birds and it is recommended the north, western and southern boundary habitats should be protected from construction activities and artificial illumination. This was revised with a replacement document dated September 2023 and received on 5th October 2023 and reflects the revised site outlines. The document was further revised on 19th January 2024 and a modified metric calculation was received following assessment by and discussion with the Council's Senior Ecological Officer.

- Habitat Condition Assessment Scores – prepared by BJ Collins and dated Feb 2023 to be read in conjunction with the Preliminary Ecological Appraisal. This describes the habitats to be lost (species poor grassland and immature woodland) and the habitats to be retained. These documents were superseded by the revised information received in January 2024.
- Biodiversity Metric Calculation – A revised metric calculation was received on 5th October 2023 and a further revision received on 19th January 2024.
- Arboricultural Method Statement – prepared by Origin Environmental Arboriculture and dated 8th Feb 2023. This reports the findings of a survey of 18 individual trees and 6 groups of trees within the site carried out in January 2023. The report includes the consideration of shade, leaf debris, honey dew and future growth in relation to the proposed development of the site for dwellings. It recommends that trees to be retained should be fenced off for the construction period and provides details of the type of barrier that would accord with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). The report concludes that whilst work is recommended to be undertaken to 4No. trees, the intended development of the site would not necessitate the removal of any trees. The removal of the tennis court would impinge on the root protection area of Group No. 4 and it is recommended that hand-dig methods only be used for these works.
- Planning, Design and Access Statement – prepared by KC Planning and Development and dated February 2023. This describes the site and its surroundings and describes the site as garden land to No. 1 London Lane. The document states that the new homes would include energy efficiencies and that existing trees would not be harmed by the proposal. Biodiversity enhancement is proposed on the site and it is envisaged that a sustainable drainage scheme would serve the eventual development. The statement acknowledges the need for housing and sets out the policy framework for the determination of the application in a ‘tilted balance’ situation.

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)

4.2 The policies applicable to this application are as follows;

4.2.1 Charnwood Local Plan Core Strategy (adopted 9 November 2015)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 – Strategic Housing Needs
- Policy CS11 – Landscape and Countryside

- Policy CS13 – Biodiversity and Geodiversity
- Policy CS16 – Sustainable Construction and Energy
- Policy CS25 – Presumption in Favour of Sustainable Development

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

The saved policies relevant to this proposal include:

- Policy ST/2 – Limits to Development
- Policy EV/1 Design
- Policy TR/18 - Parking in New Development
- Policy CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation
- Policy CT/2 – Development in the Countryside

4.2.3 Minerals and Waste Local Plan (2019)

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

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

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

The application site is not within a Mineral Safeguarding Area.

5. **Other Material considerations**

5.1 National Planning Policy Framework (NPPF) 2023

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive

economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation

- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Of particular relevance to this proposal are the following:

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

The Government published a revised version of the NPPF on 20th December 2023. It contained a series of amendments and although most are of limited or no relevance to this application, important amongst them was adjustment to the need to demonstrate a 5 year land supply and, as a result, the application of the ‘tilted balance’ in favour of sustainable development under NPPF Paragraph 11d.

The revised NPPF states that, in certain circumstances associated with the advancement of a Local Plan, the ‘tilted balance’ would not apply where local planning authorities can demonstrate a 4 year housing land supply (in lieu of a 5 years). This change applies with immediate effect, including to applications submitted before the amendments took place.

5.2 National Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should

be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

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 Equality Act 2010

This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

5.5 The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

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

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats. 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.

5.7 Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably

bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent on different combinations of single and double/twin bedrooms. These standards are not yet embodied within any adopted Charnwood policies.

5.8 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.

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

This 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.

5.10 Landscape Character Assessment 2012

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

5.11 Design Supplementary Planning Document (January 2020)

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

5.12 Housing Supplementary Planning Document (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

5.13 Planning Guidance for Biodiversity

This document was adopted by the Council's Cabinet in June 2022 and it sets out guidance for applicants on how to avoid biodiversity loss or how to mitigate it on site, and where this is not possible, the document sets out how compensation can be achieved for mitigation off-site through the securing of developer contributions. The document is a material consideration in the determination of planning applications

5.14 Wymeswold Village Design Statement

This document also describes the distinctive character of Wymeswold village and surrounding parish and summarises the historical evolution of the present village. Representative views of residents are set out, emphasising those features regarded as most attractive and distinctive, in the expectation that these will be retained and emulated in future development and the purpose of the document is to influence and inform all involved in the design of planning proposals within the village.

5.15 The Draft Charnwood Local Plan 2021-2037

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 2024. The hearing sessions in February 2024 related to limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 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 that they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1 – Development Strategy
- Policy DS5 – High Quality Design
- Policy OS1 – Other Settlements
- Policy C1 – Countryside
- Policy H1 – Housing Mix
- Policy H3 – Internal Space Standards
- Policy T3 – Car Parking Standards
- Policy CC2 – Sustainable Drainage Schemes (SuDS)
- Policy CC4 – Sustainable Construction
- Policy CC5 – Sustainable Transport
- Policy EV1 – Landscape
- Policy EV6 – Conserving and Enhancing Biodiversity and Geodiversity

6. Relevant Planning History

Reference	Description	Decision & Date
P/96/1169/2	Formation of a hard surface tennis court in paddock at rear of detached house and the erection of a 2.4m high demountable net fence.	Granted – 05/11/1996
P/15/2323/2	Removal of condition 1 of planning permission P/96/1169/2 to allow tennis courts to be used in perpetuity.	Granted – 05/02/2016
P/16/1500/2	Discharge of Condition 1 of P/15/2323/2. Planting Scheme.	Condition discharged – 16/08/2016

7. Responses of Consultees & Other Comments Received

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

Consultee	Response
The Environment Agency	Observes the site falls within Flood Zone 1 and there are no fluvial risk concerns. There are also no other environmental constraints associated with the site which fall under the remit of the Environment Agency. Advice is given to the applicant about future possible foul drainage options.
Charnwood Borough Council Senior Ecologist	<p>The application is for access only and up to three dwellings. The response to previous comments has been to revise the application boundary, confining it tightly to the perimeter of the development area following a minor revision and propose that this revised plan be conditioned as a parameters plan.</p> <p>Aside from concerns previously raised around practicalities of future management of retained land, including the ability of new residents to have control and take responsibility for the frontage of their property, this is because doing so would constrain approaches to ecological mitigation even further than has already been the case. This may make it difficult to conclude for any reserved matters application that biodiversity offsetting is an option of last resort, and therefore that the application was in accordance with CS13.</p> <p>The baseline assessment reflected in the BIA submitted to the Council on 19/1/24 has been accepted as appropriate. However, the overall result cannot be because the detailed design of the scheme, and therefore its ecological impact, is a reserved matter. If the application were ultimately approved, it would need to be subject to provision that required the applicant to resubmit a BIA as part of a reserved matters application and include provision for any offsite compensation by the applicant as required.</p>
Leicestershire County Council - Highways	Initially asked the applicant to undertake additional work and upon assessment of the submitted road safety audit and designers response, confirmed 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 provided information, it considers that the proposal does not therefore conflict with Paragraph 115 of the National Planning Policy Framework (2023) subject to conditions being imposed relating to access surfacing, visibility splays and removing permitted development rights for the erection of gates, bollards or other barriers across the access.

Charnwood Borough Council Trees	No significant objections where works are completed in line with the Origin Arboricultural Method Statement 230207 23001 AMS V1. The boundary trees on Hoton Road may be under pressure for removal being south of and adjacent to the new houses, but their amenity value is not significant. The other trees are reasonably avoided and protected by the protective fencing.
Neighbours & Ward Councillors consulted	
None received	
Responses to publicity	
From	Comments
Two letters received from residents	<ul style="list-style-type: none"> • Concerned about potential increased flooding • Concerns about access safety • Concern about impact on wildlife

8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), and the Minerals and Waste Local Plan (2019).
- 8.2 The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area and relevant changes in national policy (NPPF Dec 2023).
- 8.3 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, further guidance published as part of the Planning Practice Guidance on 5th February, and with advanced stage of preparation of the emerging Local Plan, the Council are now able to demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied). On that basis, the ‘tilted balance’ of NPPF paragraph 11d no longer applies for that reason.
- 8.4 However, because the proposal involves the provision of housing, some of the policies that are most important to determining the application may be considered to be out of date and this is examined in more detail below. Where policies most

important to determining the application are found to be out of date the, tilted balance (Paragraph 11d ii) becomes engaged.

8.5 Paragraph 11d states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

8.6 The key issues are considered to be: -

- The Principle of Development
- Housing Mix
- Landscape and Visual Impact
- Neighbour amenity and amenity of occupiers.
- Highway Matters
- Ecology & Biodiversity
- Planning Balance

9. Key Issues

9.1 The Principle of the Development

9.1.1 The application site is located outside but adjacent to, the Development Limits to the settlement of Wymeswold, as established under ‘saved’ Policy ST/2 of the Borough of Charnwood Local Plan. For land outside of these development limits, policies CT/1 and CT/2 of that document also apply, and these seek to limit development to a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Wymeswold is identified as an ‘other settlement’ where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

9.1.2 However, the spatial strategy as expressed in Policy ST/2 of the Borough of Charnwood Local Plan (2004) is no longer capable of meeting the Borough’s current housing needs and, as such, is inconsistent with NPPF Chapter 5. As such, Policy ST/2 is regarded as being out of date, and therefore its weight is reduced to ‘limited’.

- 9.1.3 However, despite this it is recognised that they are amongst the most important policies for determination of the application, notwithstanding acknowledgement of their reduced weight.
- 9.1.4 This was examined in a recent appeal (APP/X2410/W/23/3325902 Land north of Barkby Road, Syston 29.2.2024) the Inspector concluded that these policies were amongst ‘the most important’ and applied the ‘tilted balance’ accordingly (Para 32): *“As LP Policies CT/1, CT/2 and ST/2 relate to Limits to Development and land lying outside the defined Limits to Development, and are out of date, the basket of policies most important for determining the appeal are out of date. Therefore, the provisions of paragraph 11dii of the Framework are engaged.”* These circumstances apply equally to this application.
- 9.1.5 In terms of planning policies contained in the Core Strategy that relate to the principle of development, Policy CS1 defines a hierarchy of settlements for the Borough. Policy CS1 is primarily concerned with the strategy for the distribution of housing and economic development, having regard to its overall environmental impact, with the objective of securing a sustainable pattern of development. That is also the purpose of Policy DS1 of the emerging Local Plan. However, the strategy of urban concentration focusing on the Principal Urban Area of Leicester, Shepshed and Loughborough with limited dispersal to other settlements is broadly unchanged. That indicates the strategy of CS1 remains up to date and can therefore be afforded full weight.
- 9.1.6 Policies CS1 of the Core Strategy and DS1 of the emerging Local Plan are principally concerned with securing a sustainable pattern of development. The pattern promoted by Policy CS1 is broadly the same as that advanced by Policy DS1. Since Policy DS1 is up to date and CS1 mirrors its purpose and strategy, it follows that CS1 is also up to date. Policy CS1 ensures that growth is directed to the right places in accordance with the principle of urban concentration and be sustainable, and steer away from less sustainable locations. This accords with the ‘golden thread’ of the Framework. CS1 thus retains its utility and accords with the Framework policy.
- 9.1.7 Policy CS1 of the Core Strategy allocates at least 500 dwellings to be provided within ‘other settlements’ including Wymeswold. CS1 also sets out that the local social and economic need for development in other settlements will (inter alia) be met by *‘responding positively to small-scale opportunities within defined limits to development’* and *‘responding positively to development which contributes to local priorities identified in Neighbourhood Plans’*. It is noted that the site is outside of the Wymeswold Limits to Development but adjacent to them and that Wymeswold has no Neighbourhood Plan or other community-led strategy.
- 9.1.8 In addition, emerging Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach and sets out the overall spatial strategy for Charnwood

between 2021 and 2037 and takes a hierarchical approach focussed on urban concentration and intensification in the most sustainable settlements with some limited dispersal to other areas of the Borough. The document maintains the ranking of Wymeswold as an 'other settlement' and proposes that at least 934 dwellings be found in 'other settlements'. Under the guidance of Paragraph 48 of the NPPF 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.

9.1.9 Emerging Local Plan Policy OS1 provides support for new small-scale development within identified Limits to Development in 'other settlements' as part of a commitment to meeting local social and economic needs. The plan is at an advanced stage but this policy is considered to be consistent with Paragraphs 11, 16, 20 and 23 of the National Planning policy Framework and carries moderate weight. The proposed development is outside of but adjacent to the adopted 'Limits to Development and would be strictly at variance with OS1. This is considered to weigh against the scheme.

9.1.10 The development is at odds with these housing supply policies as it comprises a small scale development that is outside the limits to development. Whilst the local planning authority can demonstrate a 4 year supply of housing land, these policies (which seek to curtail housing development) carry reduced weight and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission.

9.1.11 Within this assessment, it should be recognised that the proposal would result in the provision of up to three dwellings at a time when the Local Planning Authority cannot demonstrate a five year supply of housing land. Existing policies make it clear that the expected housing figures are expressed as minimum numbers and the provision of these additional dwellings in this small-scale scheme should be afforded positive weight. Weighed against this benefit would be the conflict with the above policies. However, given the housing supply position, and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development approach set out in policies CS1 of the Core Strategy , CT/1. CT/2 and ST/2 of the adopted Local Plan 2004, (which seeks to direct growth away from smaller settlements and which weigh against the proposal) Accordingly, the proposal is considered to be acceptable in principle.

9.2 Housing Mix

9.2.1 Policy CS3 outlines a requirement to secure an appropriate housing mix, having regard to the identified housing needs and the character of the area. The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 is a material

consideration. HENA outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following market housing mix. The proposal is for a quantum of homes which does not trigger a need for the provision of affordable housing.

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

9.2.2 In addition, Policy H1 of the Draft Charnwood Local Plan sets out that a mix of house types, tenures and sizes will be required to meet the overall needs of the Borough in line with the most up to date evidence. This policy is consistent with Paragraphs 60, 61 and 62 of the National Planning Policy Framework but carries only limited weight at this time because it is contested..

9.2.3 The application is outline only, with all matters of proposed house types, sizes and design, reserved for future approval. It is likely that an application for 'reserved matters' will include all these details and would ensure variety in dwelling provision and there are no site constraints that would limit the mix of homes and that the development would accord with the housing mix policies cited above and the Supplementary Planning Document 'Housing'.

9.3 Landscape and Visual Impact

9.3.1 Policy CS11 of Charnwood Core Strategy is concerned with protecting the landscape and ensuring new development does not result in visual harm. The policy generally accords with the National Planning Policy Framework and does not directly impact on the supply of housing. As a result, it is considered that there is no need to reduce the weight that it should be given.

9.3.2 In addition, Policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan require new developments to respect and enhance the character of the area and support development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. Developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic to local character, including the surrounding built environment and landscape setting. The Design SPD provides design principles to guide new proposals. The NPPF and PPG advise that in order to meet the objectives of sustainable development new development should be well-designed and provide a safe built environment. As these policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing it is not considered that there is a need to reduce the weight that should be given to them.

9.3.3 Policy C1 of the Draft Charnwood Local Plan (2021-2037) seeks to manage development in areas of countryside to protect its largely undeveloped character and its intrinsic character and beauty. This policy is consistent with Paragraphs 11, 16,

20, 23, 84, 88 and 180 of the National Planning Policy Framework. The emerging Local Plan is well advanced and there is limited contention regarding this policy, and therefore it carries moderate weight.

9.3.4 The Charnwood Landscape Assessment (2012) places Wymeswold within the Wolds area of landscape character which is described as elevated, gently rolling countryside of mixed farmland with small villages and isolated farms scattered across the landscape. The landscape, often uninterrupted by hedgerows often enables long reaching views from straight roads between villages and the lack of woodland and tree cover reinforces the landscapes expansive quality. It is a largely arable landscape that has been altered by modern farming practices, leading to loss of ridge and furrow field systems and hedgerows. There is limited woodland cover. This combined with the large field systems and managed hedgerows, creates an expansive character with often long views from ridges between settlements. Wide grass verges are characteristic of this landscape.

9.3.5 Although the application site lies just beyond the Limits to Development, it is enclosed by boundaries comprising of hedgerows and large trees which largely conceal views of the site from external public vantage points. The trees alongside the western and southern boundaries are now subject to a Tree Preservation Order and are proposed to be retained within the indicative site layout but fall outside the reduced red line area of site. The access is proposed to be increased in width by one metre but this will not increase the visibility of the proposed development or result in significant hedgerow loss. There are no public footpaths across or near the site which would provide additional opportunistic views of the eventual development. It is also important to acknowledge that since the granting of planning permission for a tennis court on the site (under planning permission reference P/96/1169/2), this former paddock land has an increased degree of residential character. Although the legal connection to the residential property of No. 1 London Lane has since been severed, the appearance of at least part of the site, because of the large and enclosed sports surface, retains the character of its previous domestic association rather than 'countryside' that these policies seek to protect. The change in the character of the land that would result from further residential dwellings would therefore be somewhat reduced.

9.3.6 For the reasons set out above, it is considered that the proposal would not be visually harmful to the wider landscape and that the development would accord with Policies CS11 of the Core Strategy, CT/1, CT/2 of the adopted Local Plan and C1 of the emerging Local Plan 2021-37.

9.4 Neighbour amenity and amenity of occupiers.

9.4.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality, and which uses materials appropriate to the locality. These policies generally accord

with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to them.

- 9.4.2 Policy DS5 of the Draft Charnwood Local Plan (2021-2037) requires new development to make a positive contribution to the local distinctiveness of the area and provide attractive and functional places where people will want to live, work and visit. The policy sets out design-based criteria which will assist in achieving these aims and is consistent with Paragraph 130 of the National Planning Policy Framework. This emerging policy therefore carries moderate weight.
- 9.4.3 In addition, Policy H3 of the Draft Charnwood Local Plan (2021-2037) states that the local planning authority will seek compliance with the nationally described space standards or replacement standards produced by the Government for all new homes in order to secure minimum internal space standards and good levels of amenity for future occupiers of proposed development. There are no submitted plans of proposed house types or floor plans but no reason to believe that proposed properties would not meet the Government's 'Technical housing standards - nationally described space standards' as sought by emerging policy H3.
- 9.4.4 The indicative dwellings are positioned some distance from No. 1 London Lane and there are no other nearby neighbours affected by the proposal. The illustrative house types also indicate that the new properties could be of a size which would accord with internal space standards. The proposed development is therefore considered capable of resulting in an acceptable impact to existing nearby occupiers and future potential occupiers of the dwellings in accordance with the above policies.

9.5 Highway Matters

- 9.5.1 Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seek to ensure safe access is provided to new development and policy. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to them. Paragraph 115 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. Policy T3 of the Draft Charnwood Local Plan (2021-2037) also seeks to ensure that parking is provided to accord with the Leicestershire Highways Design Guide. Whilst the layout of the development is not to be considered now, it is clear that there would be ample space for parking space in accordance with current standards, to be provided to serve each dwelling.
- 9.5.2 The Leicestershire Highways Design Guide sets out expected highway standards

including access geometry and what would be considered an acceptable quantum of parking for various types of new development, including house extensions. Saved Local Plan Policy TR/18 makes it clear that these requirements are to be the starting point for assessing the level of parking need and the location of the site and its ease of access to non-car modes of transport would also need to factor into this assessment.

- 9.5.3 Having considered the site specific location of the proposed access point, that being within close proximity to the speed limit change on Hoton Road, the local highway authority requested the applicant to commission a speed survey in order that it could determine whether a safe and suitable access was achievable at the site. The applicant was also requested to demonstrate the corresponding splay measured 85th percentile speeds. The applicant did not undertake a speed survey but submitted additional highway information that was consequently assessed by the Local Highway Authority (LHA).
- 9.5.4. From the revised submitted information received on 5th October 2023 and as shown on drawing number 22.4224.05F the Local Highway Authority is content that the applicant has demonstrated visibility splays of 2.4m x 215m west of the site access and 2.4m x 85m east of the site access can be achieved. Ordinarily, the Local Highway Authority would consider these splays acceptable based upon 85th percentile speeds of up to 62mph for vehicles travelling in an eastbound direction and up to 40mph for westbound traffic.
- 9.5.5 However, the Local Highway Authority conducted its own site visit to satisfy itself that the splays could be achieved given the alignment of Hoton Road to the west. It confirmed that a splay of approximately 2.4m x 185m west of the access was achievable and a splay in excess of 2.4m x 121m east of the site access was achievable. These splays are considered acceptable for speeds up to 53 mph and 44 mph respectively. Based on the achievable splays, the LHA has calculated that this would equate to the following required Stopping Sight Distance (SSD):
- To the west 2.4m x 185.74m (including bonnet length) would be acceptable based upon vehicles speeds of 57mph.
 - To the east 2.4m x 120.62 (including bonnet length) would be acceptable based upon vehicles speeds of 44mph.
- 9.5.6 The Local Highway Authority advises that visibility splays should not encompass third party land and should be kept free from obstructions above 0.6m from ground level. In order to facilitate the splay to the west the 'Wymeswold' village name plate would require amendments. Having taken all of the above into consideration and the site specific location, the Local Highway Authority considers the achievable visibility splays at the site access acceptable and will therefore seek to secure these by way of a planning condition.

- 9.5.7 The Local Highway Authority has also considered the submitted Stage 1 and 2 Road Safety Audit submitted by the applicant and note that it identified one problem – that of the Wymeswold Village name plate west of the access. The report recommends that the sign is re-located or its height amended such that it does not obstruct visibility and the applicant has proposed to pay for these works and this approach is welcomed by the highway authority. The applicant is advised that this could be secured at reserved matters stage in consultation with the Parish Council.
- 9.5.8 It is therefore concluded that the proposal would not have a severe highway impact as recommended in Paragraph 115 of the NPPF and would accord with the provisions of the Leicestershire Highways Design Guide where appropriate. The development, with carefully worded planning conditions, could achieve a safe and appropriate access and would not harm highway safety in accordance with saved Policy TR/18 of the Charnwood Local Plan and Paragraph 115 of the National Planning Policy Framework and Policy T3 of the Draft Charnwood Local Plan (20212037). As all development are required to achieve such, this is considered neutral in the planning balance.

9.6 Ecology & Biodiversity

- 9.6.1 Policy CS13 of the Charnwood Local Plan (2011-2028) Core Strategy seeks to conserve and enhance the natural environment. The policy states that where there are impacts on biodiversity, adequate mitigation is required, or as a last resort, compensation which results in replacement provision that is of equal or greater value and potential than that which is lost and is likely to result in a net gain in biodiversity. NPPF paragraph 180 is a significant material consideration and states that planning decisions should minimise impacts on and provide net gains for biodiversity. The adopted biodiversity planning guidance sets out how development impacts can be mitigated by using Biodiversity Impact Assessments (BIA) to calculate a site's biodiversity before and after the proposed development (expressed as habitat units). Where BIA indicates that on-site provision will not secure net gain, off-site habitat creation is required.
- 9.6.2 Policy EV6 of the emerging 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. Nevertheless, policy EV6 can be given moderate weight until the emerging policy is further progressed towards adoption.

9.6.3 As this is an outline planning application, assumptions about habitat impact are difficult to predict and would be more gainfully assessed on any future 'reserved matters' application. However, it is acknowledged that whilst the red line area of site has been reduced to exclude perimeter trees and more valuable habitat, there is still likely to be a loss of habitat overall. However, it is considered that this could be provided off-site and the applicant has agreed to providing an off-site contribution to the Environment Bank or other similar organisation providing mitigation on a formally managed site elsewhere. There are however, some concerns about how the land edged blue on the revised indicative layout plan received 19th January 2024 would be managed but details of this could be secured in any future reserved matters application and would largely be dictated by the final settled layout and number of homes proposed.

10. Conclusion

- 10.1 For the reasons set out above, although the Council can now demonstrate an adequate housing land supply, some of the policies most important to the determination of the application are considered to be out of date such that the 'tilted balance' described in Paragraph 11d ii) of the NPPF is engaged.
- 10.2 The key policies for this development, including CS1, CS3 and CS11 of the Core Strategy are considered to be up to date and can be given full weight. Core Strategy Policy CS1 is read with Policies ST/2 and CT/1 which are considered to be out of date and can be given limited weight.
- 10.3 The proposal conflicts with the development plan adopted spatial strategy as set out in CS1 of the Charnwood Local Plan, Policy ST2 of the Borough of Charnwood Local Plan and emerging Policy DS1 of the Draft Charnwood Local Plan (2021-2037) as a result of its location outside the Limits to Development. In addition, the proposal would represent development in the countryside of a type discouraged by Policy CS11 of the adopted Core Strategy, saved Policy CT/1 of the Borough of Charnwood Local Plan and emerging Policy C1 of the Draft Charnwood Local Plan.
- 10.4 However, the proposal is for small scale residential development on a site on the edge of the village where there would be extremely limited visual harm to the character and appearance of the landscape. The proposed development is also acceptable in terms of amenity, highway and biodiversity impacts and there are no technical reasons why the site could not reasonably be developed in the manner suggested.
- 10.5 It is also a material consideration that the underlying principle of the NPPF is to significantly boost housing supply and that the Council's ability to satisfy NPPF paragraph 226, with its requirement to demonstrate an adequate housing land supply and maintain this in future years. As such, it is a material consideration that the

potential refusal of this application could detract from Charnwood's ability to demonstrate adequate housing supply when considering the cumulative impact of similar proposals and could compromise the potential for Charnwood to demonstrate a housing land supply into the future.

- 10.6 The site is adjacent to the settlement boundary of an 'Other Settlement' and would contribute to the provision of housing across all 'Other Settlements' in as set out in Policy CS1. Whilst the proposal is within 'countryside' the harm to the spatial strategy is taken in the context of the wider NPPF which supports the general provision of housing.
- 10.7 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 (the location outside the defined limits to development) would be outweighed by the benefits of the development (addition of a dwellings to the supply of housing) when assessed against the NPPF taken as a whole. Overall, it is concluded that there are not significant and demonstrable harms which outweigh the benefits of the scheme, and that planning permission should be granted.

11. **RECOMMENDATION**

It is recommended that planning permission be granted subject to the following 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 powers to determine the final detail of planning conditions.

1. Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.
REASON: 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 shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:-]
 - a. layout,
 - b. scale,
 - c. appearance, and
 - d. landscaping.REASON: 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
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
22.4224.04F - 1:1250 scale site location plan, indicative 1:500 scale block plan of indicative site layout and indicative partial street scene - revised plan received 19th January 2024
22.4224.05F - site access details revised plan received 5th October 2023.

REASON: To define the terms of the planning permission.

4. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres (plus 0.5m if bound in one direction and 1m if bound in either direction) and a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3m dropped crossing. The access once provided shall be so maintained at all times.

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

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m x 185m west of the access and 2.4m x 121m east of the site access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

7. Alongside the submission of 'reserved matters' required by condition 2 above, a Biodiversity Mitigation and Enhancement Scheme shall be submitted to the Council for its written approval. This shall comprise a baseline assessment and proposals to ensure Biodiversity net-gain. The development shall be carried out in full accordance with the approved Biodiversity Mitigation and Enhancement Scheme.

REASON: To ensure the satisfactory appearance of the completed development and to ensure compliance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy, and emerging Policy EV6 of the Draft Charnwood Local Plan 2021-2037

8. The development shall be carried out in accordance with the recommendations of the Origin Arboricultural Method Statement 230207 23001 AMS V1.

REASON: To ensure adequate protection of trees during development , in accordance with Policy EV7 of the emerging Charnwood Local Plan 2021-37

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

- Full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.

- Details of materials of construction including the surfacing of the access
- all units in compliance with the Nationally Described Space Standards.
- Details of boundary treatment including planting

REASON: To ensure the development is in character with its landscape and surroundings and to ensure amenity of new residents is protected in accordance with policies CS2, CS11 and H3 of the Charnwood Local Plan Core Strategy 2015 and policy EV/1 of the Charnwood Local Plan 2004.

SITE LOCATION PLAN

