

## Item No. 2

### Application Reference Number P/20/2044/2

|                          |   |                    |              |
|--------------------------|---|--------------------|--------------|
| <b>Application Type:</b> | Outline   | <b>Date Valid:</b> | 06.11.20     |
| <b>Applicant:</b>        | Davidsons Developments Ltd  |                    |              |
| <b>Proposal:</b>         | Outline application for the erection of 45 new dwellings, all matters reserved except access. |                    |              |
| <b>Location:</b>         | Land to the north of East Road, Wymeswold   |                    |              |
| <b>Parish:</b>           | Wymeswold   | <b>Ward:</b>       | The Wolds    |
| <b>Case Officer:</b>     | Louise Winson   | <b>Tel No:</b>     | 07764 900318 |

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## Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development and is considered a departure from the development plan and is recommended for approval.

## Description of the Application Site

The site is situated on the eastern edge of Wymeswold, on the northern side of East Road is approximately 1.94 ha in size. The site is currently used for agricultural and is bounded by field hedges on all sides. The land rises in a northerly direction from East Road.

To the west of the site there are existing dwellings along East Road and off Wysall Lane at Home Leys Way and Waydale. A play area serving the dwellings off Wysall Lane is adjacent to the north-western corner of the site. To the north and east lies open countryside and to the south of the site lies the existing allotment gardens. An existing public right of way runs to the west of the site through to the A6006. On the opposite side of East Road to the south are the detached dwellings along Manor Court.

The boundary of the adopted Wymeswold Conservation Area falls adjacent to the south western corner of the site. There are no specific landscape designations for the site. The site is located within The Wolds Landscape Character Area.

## Description of the Proposal

This outline application seeks consent for the erection of up to 45 dwellings, with all matters reserved other than the access onto East Road.

Whilst all matters are reserved other than the access, an indicative layout has however been submitted to indicate how the dwellings could be accommodated on the site. The proposed density would be 30 dwellings per hectare, with 40% affordable housing proposed. The indicative layout shows how a road layout could provide a loop around the site, with a shared surface provided for a secondary street identified as a lane. This is to ensure low speeds can be achieved within the development.

The submitted access drawing makes provision for a 'T' junction, visibility splays, new gateway signage and a pedestrian refuge on East Road. A further option of a controlled pedestrian crossing across East Road is also provided for if deemed necessary.

The plans show the retention of the existing boundary treatment on all four sides of the site apart from where the access road would break through.

Whilst only indicative, the submitted layout plan also makes provision for two attenuation ponds adjacent to the access into the site. A children's play area is proposed towards the south of the site adjacent to the access road. Two 'Village Green' areas of open space are also shown. The areas of public open space could be overlooked to provide security to these areas.

The application is supported by the following documents:

- A Design and Access Statement
- A Landscape and Visual Appraisal
- A Phase 1 Site Appraisal
- A Heritage Assessment
- A Ecological Appraisal
- A Noise Assessment
- A Geophysical Survey Report
- A Planning Statement
- A Preliminary Utilities Appraisal
- An Arboricultural Assessment
- A Flood Risk Assessment
- A Planning Statement
- A Transport Assessment
- An Agricultural Land Use Report

### **Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should

respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

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

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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

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

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

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

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

### **Other material considerations**

#### The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

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

#### Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 73). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 61).

#### Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

#### Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Section 14: Meeting the challenge of climate change, flooding and coastal change  
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

### 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.

### National Design Guide

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

### The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

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

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic

changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

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.

Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. 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 required to be provided in new housing development.

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

Wymeswold Village Design Statement:

This sets out to inform and influence the design of proposals within the village and makes statements about the character of development patterns around the village. It notes the village's location within a bowl with rising landscapes around the village, but with prominent views of the church. The surrounding fields provide buffer zones that protect views from and into the village. Development should respect the views to and from the village boundary. Existing free-standing farmhouses should not create a precedent for infill development.

Wymeswold Conservation Area Character Appraisal (2009)

This sets out the significance of the adopted Conservation Area and identifies strategies and opportunities for its preservation and enhancement.

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, it is however a material consideration.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

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.

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.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

## Consultation Responses

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](http://www.charnwood.gov.uk)

| <b>Consultee</b>                                | <b>Response</b>   |
|---|---|
| Leicestershire Lead Local Flood Authority - LCC | Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to |

|  |   |
|--|---|
|  | be attached to any grant of planning permission.  |
| Housing Strategy & Support CBC               | Seeks 40% (18 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.   |
| The Environment Agency                       | There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency   |
| Leicestershire County Council – Highways     | <p>Does not object to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> <li>• A construction traffic management plan</li> <li>• Provision of the access arrangements</li> <li>• Provision of the off-site highway works</li> <li>• Provision of drainage to prevent run-off into the highway</li> <li>• Provision of a pedestrian improvement scheme to include a controlled pedestrian crossing onto East Road</li> </ul> <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> <li>• £7500.00 towards the relocation of existing speed limits to facilitate the new access</li> <li>• £3,500.00 towards raised kerb provision at the two nearest bus stops</li> <li>• Information display cases at the two nearest bus stop at £120 each</li> <li>• Travel pack for the first occupation of each new dwelling</li> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> </ul> |
| Leicestershire County Council - Education    | Seeks a contribution of £28,700.60 to enhance the Post 16 Sector facilities at Rawlins Academy  |
| Leicestershire County Council - Libraries    | Seeks a £1360.00 contribution towards the enhancement of Barrow upon Soar Library.  |
| Wymeswold Parish Council                     | <p>Objects to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• This development is contrary to the Core Strategy</li> <li>• Wymeswold is not a sustainable location for new development</li> <li>• Concerns are raised regarding Pedestrian and vehicular safety</li> <li>• There is no demand for new homes in Wymeswold including social housing.</li> <li>• The proposal is contrary to the guidance set out in the Village Design Statement</li> </ul>   |
| Campaign for the Protection of Rural England | Objects to the proposal on the grounds that it is unsustainable development in the countryside, it is of poor design, would be detrimental to pedestrian safety and lacks any single storey dwellings   |

|                       |   |
|-----------------------|---|
| Charnwood Open Spaces | <p>Seeks the following contributions:</p> <ul style="list-style-type: none"> <li>• An on-site multi-function green space</li> <li>• An on-site natural and semi open space</li> <li>• An on-site amenity green space</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people or alternatively a £42,930.00 contribution towards new or enhanced young people's provision within Wymeswold</li> <li>• 0.28ha on-site provision or a £14,882.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.04ha on-site provision or a £5,081.00 contribution towards off-site provision or enhancement of allotment facilities in Wymeswold</li> <li>• An indoor sports contribution to consist of £20,438.00 towards swimming pool facilities, £19,748.00 towards indoor court facilities and £2,916.00 towards indoor bowls rink facilities</li> </ul> |
| NHS                   | <p>Seeks a contribution of £22,784.06 towards the provision and enhancement of facilities at Barrow Health Centre.</p>  |

### Other Comments Received

53 letters of objection have been received from local residents. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The adverse impact on the Wymeswold Conservation Area
- The development would be too high for the Wymeswold 'Bowl' Skyline
- Highway safety
- Traffic congestion
- Pressure on existing infrastructure
- Scale and design
- Archaeology and loss of heritage grassland
- Loss of a greenfield site
- Impact on ecology
- There is no need for extra housing in the village
- Impact on the countryside
- Flooding/drainage
- Loss of privacy
- Impact on the enjoyment of the adjacent allotments
- Impact on the enjoyment of the public footpath
- Lack of services and facilities in the village to accommodate the new residents

- Lack of employment opportunities for the new residents
- There is no proven need for affordable housing in Wymeswold
- The development should be refused in line with other out of limits schemes in the village
- The location of the play area is unsafe
- Loss of the open countryside

### Relevant Planning History

| Reference   | Proposal  | Decision                       |
|-------------|---|--------------------------------|
| P/15/0328/2 | Site for residential development of up to 45 dwellings and associated access (Outline Planning Permission). | Refused under delegated powers |
| P/18/0081/2 | Site for the erection of up to 45 dwellings   | Refused under delegated powers |

### Consideration of the Planning Issues

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 Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (4.1 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI’s although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the greenfield site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset

of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply

The main issues are considered to be:

- The Principle of Development
- Housing Mix
- Landscape and Visual Impact
- Design and Layout
- Open Space
- Heritage
- Archaeology
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity
- S106 Contributions

### **The Principle of the Development**

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 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of 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.

These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date 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 that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of 45 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However given the 5 year supply position of the Borough Council 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, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements, which weighs against the proposal, it is not considered this would significantly and demonstrably outweigh the benefits, in its own rights. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

### **Housing Mix**

Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 45, (18), units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed.

These policies generally accord with the National Planning Policy Framework 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.

The proposal is in outline and includes an undertaking to provide 18 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units, and it is suggested that this could be controlled and secured by a condition for both Market and Affordable housing. The tenure for affordable housing can be secured through the s.106 agreement.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

| <b>Affordable</b> |        |
|-------------------|--------|
| 1 bed             | 40-45% |
| 2 bed             | 20-25% |
| 3 bed             | 25-30% |
| 4+ bed            | 5-10%  |
| <b>Market</b>     |        |
| 1 bed             | 0-10%  |
| 2 bed             | 25-35% |
| 3 bed             | 45-55% |
| 4+ bed            | 10-20% |

It is suggested that a size, mix and profile to reflect this could be accommodated on site. Locally identified need and the character of the area could be achieved although care would need to be taken, (as per CS3), to ensure the character of this edge of village location was not harmed by this.

With regards to housing mix, it is considered that a proposal which complies with policy CS3 could be achieved. The provision of 18 affordable units is also a benefit of the scheme which weighs within the planning balance.

## **Landscape and Visual Impact**

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the NPPF and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

There are no specific landscape designations for the site. The site is located within The Wolds Landscape Character Area, an area noted for elevated gently rolling countryside of mixed farmland with small villages and isolated farms with elements of ridge and furrow, often lost through modern agricultural practices. Hedgerows are noted as predominant field boundaries. The area has low woodland cover. The strength of the landscape character is of moderate quality, and the landscape condition is moderate with a moderate sensitivity to change. The guidelines are to generally conserve and enhance the rural character of the rolling Wolds landscape.

The site is relatively prominent on the edge of the village when viewed from the east of the site and when situated south of the site in views from East Road near Manor Court and Orchard Way. The land generally slopes gently up from East Road. The ridge is several hundred metres further north of the site. The 'bowl' in which Wymeswold is situated is perhaps less prominent on this side of the village and on its north side. The site where the houses would be located is reasonably well screened on its north side by hedgerows and trees approximately 4-5m in height. The top of the ridge is approximately 10-12m higher a couple of hundred metres further north than levels here. There are several bands of field hedgerow on the eastern side between the site and the A6006. This helps reduce the visual impacts of the development when viewing the village from the Eastern side.

It is concluded that the development would be seen as an extension to the existing urban development off Wysall Lane into open countryside. Whilst there would be some significant changes to the immediate appearance of the landscape through the construction of the access road across an open undeveloped field, and development of housing on an area of open undeveloped pasture, these effects overall would be relatively localised. The land is classed as being grade 3b agricultural quality and is therefore not Best and Most Versatile. Whilst the proposal would result in the loss of a greenfield site, it does not seem to result in a significant loss of agricultural production.

New development would be seen in the context of existing development. It is concluded that with the retention of the existing hedgerow boundaries on the northern and eastern sides of the development, and the pattern of existing field boundaries in the locality, the overall landscape quality and its character would be protected. The ridgeline to the north of the village would not be broken by the development. Conditions could control the heights of dwellings on the north side of the site. In terms of the landscape character of development being set on lower slopes to reduce impact on the horizon, it is considered that the development would comply with this aspect of landscape character of The Wolds. So whilst the impact

on the countryside could be negative in the short to medium term whilst new planting matures, it is concluded that the overall long term impact on the landscape character of The Wolds would not be so significant as to change the overall character of the area or fail to comply with the guidelines for the landscape character appraisal. The proposal is therefore concluded to comply with policy CS11 in principle.

Given the site is situated outside of the limits to development and in the open countryside there would be some disbenefits to public views across the site from the adjacent roads, the dwellings along Home Leys Way and Waydale and the public footpath H64 to the south. These would have a moderately detrimental impact on the receptor and increase the sense of being within the village, rather than currently being on the edge of the village with views of open countryside. Similarly there would be views of the development when looking north from footpath H82 when close to East Road. It is concluded that there would be a moderately detrimental impact on the receptor as part of this view of countryside would be reduced. Other nearby detrimental effects would be from north of the site when travelling along H64 near viewpoint 9. The development would bring views of houses closer to the receptor than existing. This detrimental impact is reduced by the houses being set down within the landscape behind the enhanced northern boundary and because it would sit adjacent to views of existing houses in Home Leys Way.

It is also considered that there would be moderately detrimental impacts on users of the allotments to the south of the site, who currently enjoy using the allotments in predominantly open countryside, and would then have houses backing onto the site on its north side, thereby reducing the sense of openness and enjoyment of working in the countryside.

The submitted LVIA identifies views from other sites further away on public rights of way. These are generally considered to be of low detrimental impacts and not significant. From many of these sites, the development would be seen as an extension of the existing urban development of the village, and form a small part of the vista from these vantage points.

Whilst these landscape impacts are acknowledged, it is considered that the visual impact of the development from the public areas identified could be mitigated following careful consideration of design at the reserved matters stage if outline consent were to be granted. It is therefore considered that that a scheme could be designed which accords with policies CS2, EV/1 and CT/2 in this regard.

## **Design and Layout**

Policy CS2 seeks high quality design for new development. These policies generally accord with the National Planning Policy Framework 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.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement.

If the application were to be considered acceptable on balance, a planning condition securing specific design details could be attached to secure compliance with the design aspirations of the relevant policies. Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

## **Open Space**

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be approximately 0.22 ha of green space incorporating amenity open space and play space. There is, however, no provision for older children, sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

## **Heritage**

The boundary of the adopted Wymeswold Conservation Area is situated adjacent to the south western corner of the site. There are also a number of Listed Buildings in the vicinity of the site, the nearest being Wymeswold Hall to the south.

When considering a development proposal within a conservation area or within the setting of a listed building, sections 68 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the asset and Paragraphs 190-196 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation.

The significance of the Wymeswold Conservation Area can be described as follows:

- The setting in the Wolds, relatively isolated from neighbouring settlements;*
- *The way in which the village sits in a depression within the gentle rolling landscape;*
  - *The broad and curving nature of the village streets, in particular the continuous flow of buildings along Far St;*
  - *The mound, the church and the landmark of the church tower;*

- *The wealth of fine Georgian three storey houses; The setting of the river Mantle in a green strip within Brook Street with many willow trees; The fine townscape of a combination of houses, styles and ages;*
- *The harmonious blending of simple rectangular building forms with simple ridged roofs.*

The boundary of the Conservation Area is located in the south west corner of the site. The site does not form part of any key views to or from the Conservation Area including the approach from the East. The scheme given this context would be unlikely to result in any harm to the significance of the setting of the Conservation Area.

The significance of the nearest Listed Building, Wymeswold Hall, to the south of the site can be described as follows:

- *Small country house, C1820.*
- *Brick stuccoed.*
- *2 storeys, main facade of 5 bays with 3 central bays projecting.*
- *Ground floor has channelled rustication.*
- *Cornice and parapet.*
- *Sill bands.*
- *Centre part has soanic incised pilaster strips, arched door, with slim blank panels to either side, and windows with blank arched incised heads.*
- *Outer bays have narrow arched headed windows and outer windows with minimal pedimented surrounds and blank panels over.*

Wymeswold Hall, a grade II listed building, is the nearest Listed Building to the site. The hall is surrounded by modern development. The proposed development would be visible from the upper floors of the building, but the view would be only a slight. It is concluded that there would be no direct impact on the hall or its setting as a result of the proposed development. The careful consideration of the design and layout of a reserved matters scheme if outline consent were to be granted could also ensure that the development would not harm the setting of the Hall.

Due to the location of the site within a Conservation Area and within the setting of listed buildings, an assessment as to the potential impact on the heritage assets must be made. Whilst heritage concerns formed part of the reason for refusal for the original scheme (reference P/15/0328/2), it was not part of the reason for refusal of the previous scheme (reference P/18/0081/2) and in this instance, it is not considered that the current scheme results in any heritage concerns. With reference to paragraphs 190-196 of the NPPF, it is overall considered that the development would result in no harm to the significance to the heritage assets, that of the Wymeswold Conservation Area and the setting of the listed building, Wymeswold Hall. The proposal therefore complies with the provisions of CS14 and the NPPF along with the Act in this regard.

## **Archaeology**

Concern has been raised regarding the loss of a medieval ridge and furrow field as a result of the development. The site has been identified as having reasonably well preserved earthwork ridge and furrow. The application is supported by a Geophysical Survey which concludes the site is of low archaeological significance. Other than the ridge and furrow, all other magnetic debris is a result of more modern activity at the site and is therefore of no significance. Given this context it is not considered that concerns regarding this could justify or sustain a reason for refusal. A condition requiring programme of archaeological, including the ridge and furrow landscape is however recommended.

### **Impact on Residential Amenity**

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development.

The development would be visible from the existing housing occupiers to the west of the site along Waydale and the two or three properties adjacent to the site accessed off the A6006. Other views are available from dwellings in Orchard Way and Manor Court. However, it is concluded that whilst these latter residents would see the new dwellings there is no specific need to ensure that the development has to take account of these to protect residential amenity due to the separation distances between the proposed new dwellings and those along Orchard Way and Manor Court. It will however be necessary at reserved matters stage to ensure that there would be no significant overbearing impact or overlooking from the new dwellings to existing dwellings adjacent to the site along East Road. This can be dealt with by having sufficient garden lengths for any two storey properties adjacent to the side boundary of the site. It should also be possible to ensure that there would be no detrimental impact on 21a East Road through appropriate siting of the dwellings to be agreed at the reserved matters stage to meet the standards within Design SPD in relation to other side windows in that dwelling. The potential for noise and disturbance to the existing dwellings as a result of the new roads within the development is also a consideration. However it considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of existing amenity occurs.

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

The proposal could, therefore, following careful design, comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

### **Highway Matters**

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them

Paragraph 108 of the NPPF seeks to promote sustainable travel choices. Paragraph 109 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.

A large number of the objection letters received make reference to highway safety and congestion as a concern.

The Highway Authority has assessed the Transport Assessment and proposed Access plan submitted in support of the application, together with further additional information and evidence requested and submitted throughout the course of the application. Their views are set out below;

#### Site Access

A Stage 1 Road Safety Audit of the initial site access proposals (including the existing East Road village gateway features and the proposed East Road zebra crossing) has been undertaken.

East Road is an A classified road, subject to a 30mph speed limit which increases to 50mph at the proposed site access. The proposed access onto East Road makes provision for a 6m radii, 2m footways to both sides of the carriageway along with visibility splays of 2.4m x 85m to the west and 2.4m x 120m to the east. It is proposed that the 30mph speed limit be moved 80m eastwards which should assist in reducing speeds at the site access to the levels currently observed within the current 30mph limit. Given this context, the local highway authority is satisfied that an appropriate site access in accordance with the Leicestershire Highway Design Guide (LHDG) can be constructed onto East Road. A contribution of £7,500 is requested to provide the required the Traffic Regulation Orders associated with the relocation of the existing 30mph / 50mph speed limit change.

#### Junction Capacity and Trip Generation

The capacity of the site access junction has been undertaken using the AM and PM peak hour assessment flows. A maximum traffic count is identified for the use and suggests a maximum increase of 58 two-way vehicle movements during the morning peak. At a rate of approximately 1 vehicle per minute this is not considered to give rise to capacity issues on the adjacent highway network. The local highway authority raises no objection to this assessment and considers the junction can operate without significant queuing or delay.

#### Highway Safety

There have been three Personal Injury Collisions (PIC's) recorded within 500m of the application site in the last five years. Two of the incidents were recorded as 'slight' in severity whilst one was recorded as 'serious'. Two of the PIC's occurred within 25m of each other. The Local Highway Authority do not consider the proposed development would exacerbate the existing situation.

The submitted application makes provision for a pedestrian zebra crossing across East Road and is supported by a Zebra Crossing Assessment Technical Note. Following an assessment of this technical data and applying its own assessment formula, the local highway authority considers that a controlled crossing across East Road is required. This can be secured via the recommended condition

### Internal Layout

As the access to the site is the only matter to be determined in detail at this stage, the submitted indicative site layout and internal layout including parking provision, are not for consideration at this time. However, the local highway authority advises that that the proposals are required to be designed in accordance with the prevailing Leicestershire Highways Design Guide and local parking standards. It is considered that this can be secured through a future reserved matters application.

### Sustainability

The proposal makes provision for links onto the existing footpaths along East Road to help integrate the site with the village and would encourage journeys to local facilities and green space on foot. There is a bus stop adjacent to the site providing public transport links to Loughborough town centre via bus service number 8. Contributions towards the cost of raising the kerbs at the bus stops have been requested. The local highway authority has also requested the new residents are provided with travel packs and bus passes to encourage the use of this service. These can be secured via a S106 contribution. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown, but it is considered it would be possible to provide internal roads and parking for the scheme to an acceptable design. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm

### **Flooding and Drainage**

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. 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.

The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The Environment Agency has not raised specific objections to the proposal. It is acknowledged that there have been historic events in the locality which led to some flooding in nearby properties, mainly due to extreme rainfall events. In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the control of run-off water.

The submitted FRA concludes that the site will not be at risk of flooding from either flows generated on site or from overland flows from off site. The Leicestershire Lead Local Flood Authority has assessed the submitted information and considers that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate conditions to further define the components of the Sustainable drainage scheme at the Reserved Matters stage. It is concluded therefore that, in principle, the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

## **Ecology and Biodiversity**

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The application is supported by an Ecological Appraisal. The results of this appraisal indicates there are no protected species at the site to be affected by the development. The development could however have some impact on foraging species and bats who may use the existing hedgerows as a corridor. The indicative layout makes provision for ecological enhancement measures to be incorporated into the scheme, including, amongst others the provision of a greater set back between the important northern hedgerow and the proposed houses.

Notwithstanding the information submitted, the Borough Council's Senior Ecologist has raised some concerns and considers the proposal could result in an ecological loss. It is considered that the submitted Ecological Appraisal undervalues the existing habitat on site, and contains inappropriate mitigation recommendations. However, it is considered that any identified loss could be mitigated appropriately through securing the submission of an Ecological Mitigation Strategy at the reserved matters stage when the detailed design of the proposal is known. There is an opportunity to provide off-site mitigation on the Blue Land if identified as being necessary.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure there is not a biodiversity net loss.

Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and secured via the S.106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

### Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

|                       |   |
|-----------------------|---|
| Education             | £28,700.60 towards post 16 secondary school provision and enhancement at Rawlins Academy  |
| Libraries             | £1,360.00 towards the Barrow upon Soar Library  |
| Open Space            | <ul style="list-style-type: none"> <li>• An 0.4ha on-site multi-function green space</li> <li>• An 0.22ha on-site natural and semi open space</li> <li>• An 0.05ha on-site amenity green space</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people or alternatively a £42,930.00 contribution towards new or enhanced young people's provision within Wymeswold</li> <li>• 0.28ha on-site provision or a £14,882.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.04ha on-site provision or a £5,081.00 contribution towards off-site provision or enhancement of allotment facilities in Wymeswold</li> <li>• An indoor sports contribution to consist of £20,438.00 towards swimming pool facilities, £19,748.00 towards indoor court facilities and £2,916.00 towards indoor bowls rink facilities</li> </ul> |
| Affordable Housing    | 40% of the dwellings to be affordable housing   |
| NHS                   | £22,784.06 towards the provision and enhancement of facilities at Barrow Health Centre.   |
| Sustainable Transport | Travel Packs and Bus Passes for new residents   |
| Highways              | <p>£7500 to provide the required Traffic Regulation Order to relocate the existing speed limits to facilitate the new access</p> <ul style="list-style-type: none"> <li>• £3,500.00 towards raised kerb provision at the two nearest bus stops</li> <li>• Information display cases at the two nearest bus stop at £120 each</li> <li>• Travel pack for the first occupation of each new</li> </ul>   |

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|                         | <p>dwelling</p> <ul style="list-style-type: none"> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> </ul>   |
| Biodiversity mitigation | <p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserve matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss.</p> <ol style="list-style-type: none"> <li>1) Mitigation on site</li> <li>2) Mitigation of site in the blue line area</li> <li>3) Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties)</li> </ol> |

These contributions (with the exception of indoor sport) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

### **Planning Balance and Conclusion**

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide 45 new units of which 40% would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and a bus service, albeit low frequency, to higher order centres. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, or flooding that cannot be mitigated, any ecological loss can be mitigated off-site and landscape compensation can be secured by way of detailed landscape design. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this is the conflict with Development Plan policies which set out the spatial strategy for the Borough. There would be some short - medium term harm to the landscape as set out above. In addition, the proposal would lead to minor loss of a ridge and furrow landscape which is recognised as important in relevant landscape character assessments.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would not significantly and demonstrably outweigh the benefits of the additional housing. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below

**RECOMMENDATION A:-**

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

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| Education          | A £28,700.60 contribution towards post 16 sector provision at Rawlins Academy.  |
| Affordable Housing | 40% of units to be affordable with a mix of 77% for affordable rent and/or social rent and 23% shared ownership   |
| Open Space         | <ul style="list-style-type: none"> <li>• An 0.4ha on-site multi-function green space</li> <li>• An 0.22ha on-site natural and semi open space</li> <li>• An 0.05ha on-site amenity green space</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people or alternatively a £42,930.00 contribution towards new or enhanced young people's provision within Wymeswold</li> <li>• 0.28ha on-site provision or a £14,882.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.04ha on-site provision or a £5,081.00 contribution towards off-site provision or enhancement of allotment facilities in Wymeswold</li> </ul> |

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| Sustainable Transport    | <p>Infrastructure requests for the following:</p> <p>£7500 to provide the required Traffic Regulation Order to relocate the existing speed limits to facilitate the new access</p> <p>£3,500.00 towards raised kerb provision at the two nearest bus stops</p> <ul style="list-style-type: none"> <li>• Information display cases at the two nearest bus stop at £120 each</li> <li>• Travel pack for the first occupation of each new dwelling</li> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> </ul> |
| NHS W Leicestershire CCG | £22,784.06 towards the provision and enhancement of facilities at Barrow Health Centre.   |
| Biodiversity Mitigation  | <p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserve matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss.</p> <ol style="list-style-type: none"> <li>1) Mitigation on site</li> <li>2) Mitigation off site in the blue line area</li> <li>3) Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties)</li> </ol>                  |
| Libraries                | £1,360.00 towards the Barrow upon Soar Library  |

**RECOMMENDATION B:-**

That subject to the completion of the agreement in A above, planning permission be granted subject to the following conditions and notes:

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| 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. |
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|    | <p>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.</p>  |
| 2. | <p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>   |
| 3. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>P14-299-202 Rev F – Site Access<br/>EMS.2617-001A – Site Location Plan</p> <p>REASON: To provide certainty and define the terms of the permission</p>  |
| 4. | <p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice within the NPPF.</p>  |
| 5. | <p>No development shall take place until a programme of archaeological work, including the ridge and furrow landscape, which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and method</li> <li>• The programme for post investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for the publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the</p> |

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|     | Development Plan and the advice within the NPPF.   |
| 6.  | <p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard surfaced areas;</li> <li>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;</li> <li>iii) finished levels or contours within any landscaped areas;</li> <li>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>v) functional services above and below ground within landscaped areas; and</li> <li>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> </ul> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and WV1 of the Development Plan.</p> |
| 7.  | <p>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.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>   |
| 8.  | <p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> <li>i. An 0.4ha on-site multi-function green space</li> <li>ii. An 0.22ha on-site natural and semi open space</li> <li>iii. An 0.05ha on-site amenity green space</li> <li>iv. An on-site LEAP facility</li> </ul> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>   |
| 9.  | <p>No part of the development shall be occupied until such time as the offsite works shown on Rodgers Leask drawing number P14-299 202 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).</p>   |
| 10. | <p>Within two months of the commencement of any development on site, a pedestrian improvement scheme including a controlled pedestrian crossing on East Road shall be submitted to and approved in writing by</p>  |

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|     | <p>the LPA. The approved scheme shall then be implemented in full prior to occupation of any dwelling.</p> <p>REASON: In the interests of pedestrian and highway safety and in accordance with the National Planning Policy Framework (2019).</p>   |
| 12  | <p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Rodgers Leask drawing number P14-299 202 have been implemented in full. The visibility splays, once provided, shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p> |
| 13. | <p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>                    |
| 14. | <p>The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on East Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).</p>  |
| 15. | <p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p>  |

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|     | <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16</p>  |
| 16. | <p>The hedges located on the application site boundaries, other than at the point of the new access shall be retained and maintained at all times. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges are an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings.</p> |
| 17. | <p>No development, including site works, shall begin until the hedges located on the application site boundaries, other than at the point of the approved new access, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>                                      |
| 18. | <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>   |
| 19. | <p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p> |
| 20. | <p>No dwelling approved by this planning permission shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been</p>  |

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|     | <p>submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.</p>                      |
| 21. | <p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p> |

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please

refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the

surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

