

Item No. 2

Application Reference Number P/20/2140/2

Application Type:	Hybrid	Date Valid:	12/11/2020
Applicant:	Rothley Temple Estates Limited		
Proposal:	Erection of new detached school building to rear of existing primary school including relocation of hard ball court, additional staff parking & extension to drop off car park with extended access (full application) and erection of up to 70 dwellings including landscaping, drainage infrastructure & access to existing allotments with all matters reserved except access (outline permission). Revised scheme P/20/0610/2 refers.		
Location:	Land South of Farmers Way/Brookfield Road Rothley Leicestershire		
Parish:	Rothley	Ward:	Rothley and Thurcaston
Case Officer:	Lewis Marshall	Tel No:	07714 846497

Background

This application has been brought to plans committee as it relates to a major housing development and is considered a departure from the development plan and is recommended for approval. The application has also been called in by Cllr Hadji-Nikolaou.

Description of the Application Site

The application site is located on the southern edge of Rothley outside of the defined settlement limits. The site is accessed via Warren Way from Hallfields Lane which connects with the village centre to the north-west. The site encompasses land forming part of Rothley Primary School.

The site sits on an elevated landscape ridge of exposed pasture land overlooking the Soar Valley. The ridge forms the southern limit to Rothley and extends along the southern edge of the village and encompasses what was parkland to Rothley Park. The north is the existing residential development consisting mostly of two storey properties constructed within the last five years. To the south there is a plateau which includes allotment land and playing fields. Further south beyond the proposed site is the land allocated as the Broadnook Garden Suburb within the Core Strategy 2011-2028. The proposed development site is located within a local area of separation as defined by the Rothley Neighbourhood Plan.

Description of the Proposal

The application is in hybrid form which seeks outline planning permission for the development of approximately 70 dwellings together with full planning permission

sought for an extension to the school to provide a further 6 class rooms, additional parking and relocation of the existing multi-use games area. Section 3.0 of the submitted Planning Statement sets out full details of the proposals.

The application is a revised resubmission of a previously refused application for 80 dwellings. The application seeks to address and overcome the previous reasons for refusal.

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 CS 11 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.

The Rothley Neighbourhood Plan (2021)

It was declared on Friday 7th May 2021 that the Rothley Neighbourhood Plan was successfully approved by majority at referendum and therefore now forms part of the development plan, as such carries full weight.

Policy RO1: Development within Rothley Limits to Development - proposals for small scale residential development within the Rothley Limits to Development will be supported where a proposal: i) Is appropriate in size to the character, services and facilities of Rothley; and ii) Includes smaller dwellings suitable for young families or for older people looking to down size; and iii) Retains existing natural boundaries such as trees and hedgerows which contribute to visual amenity or are important for their ecological value; and iv) Does not result in the loss of an important open space of public, environmental or ecological value and, where appropriate, addresses their distinctive qualities; and v) Where appropriate, preserves and enhances the setting of any heritage asset and is sympathetic in style to surrounding buildings especially within the Conservation Areas; and vi) Does not adversely affect neighbouring

properties by way of visual intrusion and noise, or by loss of privacy, daylight or amenity.

Policy RO2: Development outside Settlement Boundaries - With the exception of development sites allocated in the Local Plan, proposals for development outside of the 'Limits to Development' boundary must be for either: i) A rural housing exception scheme; or ii) Homes in the countryside set out at paragraph 79 of the NPPF; or iii) Rural or agricultural business development in accordance with paragraph 83 of the NPPF.

Policy RO3: Design Principles – requires development proposals to meet a set of design principles.

Policy R05: Areas of Local Separation – seeks to maintain and enhance the separation between the existing village of Rothley and neighbouring settlements.

Policy R09: Car Parks - Proposals will be supported that will enhance the use of the existing car parks and at least retain or, wherever possible, add to the existing number of parking spaces. The car parks are at Cross Green, the Rothley Centre and the Community Library, as well as the school drop-off car park at Warren Way as shown on the plan below. In addition, any new housing or commercial development must include adequate off street provision for residents or workers parking in accordance with the local authority adopted standards.

Policy R12: Provision of school places - In order to ensure the accommodation of children living within the Parish, the extension of the Rothley Church of England Academy School or the relocation of facilities will be supported in principle as required.

Policy R13: Setting of Listed Buildings within the Conservation Areas and protection of vistas - To protect the setting of Listed Buildings and the character of the Rothley Conservation Areas, developments will be required to consider the important views identified and proposals for development which impact upon them will be required to demonstrate how the views have been respected and any impact mitigated, where appropriate:

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.

National Design Guide

This document sets out the Government's design guidance to support the NPPF.

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

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

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.

The TCPA Listed Building and Conservation Areas Act 1990

Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard shall be had for preserving and enhancing listed buildings and their settings. Section 72 requires that special attention shall be had for preserving or enhancing the character and/or appearance of the conservation area.

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.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

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

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	Does not object to the proposal and suggests conditions.
Housing Strategy & Support CBC	In accordance with policy CS3 requests 40% of new homes are affordable comprising a mix of 75% social and affordable rent and 25% shared ownership. It is requested that a proportion of the affordable units are bungalows and 4 bed units in order to meet local need which should be secured through a S106 agreement with details to be approved as part of any reserved matters application.
Environmental Protection - CBC	Does not raise any objections to the application subject to a condition requiring the noise mitigation and sound

	insulation measures proposed to be fully implemented.
Open Spaces - CBC	<p>Raises no objection and requests contributions towards off site open spaces to meet needs of the development as set out below;</p> <ul style="list-style-type: none"> - £18,666 towards enhancement to the nearby LEAP - £66,779 towards young people's provisions - £23,056 towards Outdoor Sports - £7,904 towards allotments - £67,049 towards indoor sport
Environment Agency	Confirms that the site of the dwellings and school extension lie fully within flood zone 1 and therefore have no fluvial flood risk concerns associated with these elements of the development. A portion of the car parking element of the development located to the north east of the main development lies within flood zone 2 and therefore flood risk standing advice can be applied in this location.
Leicestershire County Council, (LCC) - Highways	Does not object to the proposal. 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. Conditions are recommended and financial contributions requested towards Travel Packs, six month bus passes and Travel Plan monitoring.
LCC Education	Confirms that there is an overall deficit of 115 pupil places at the two schools within a 2 mile walking distance of the site. Seeks contributions of £306,432.00 and Land for hard play and staff parking for Rothley C of E Primary school which forms part of the application site. States that Rothley CofE Primary School sits on a challenging and confined site which can only expand on the current ball court area at the rear of the school. This would significantly reduce the amount of hard play space to pupils attending the school therefore in addition to the request for S106 funding additional land is also requested to provide for a ball court and space for additional staff car parking.
LCC Libraries	Seeks a contribution of £2,120 towards library facilities at Rothley Library.
LCC Civic Amenity	Requests £3617.00 towards improving capacity at Mountsorrel Household Waste and Recycling Centre in order to meet the additional demands created by the development.
Rothley Parish Council	<p>Objects to the application on the following grounds;</p> <ul style="list-style-type: none"> • The proposal is contrary to policies R01, R02 and R05 of the Rothley Neighbourhood Plan. • Need for additional houses are not recognised in the existing or draft Local Plan.

	<ul style="list-style-type: none"> • Loss of greenfield land within an area of local separation. • The site is outside of the limits of development • Question need for additional 6 classrooms • LCC have funds available to build the school without the proposed housing development • Insufficient capacity in the highway network surrounding the site • Detrimental impact on the Rothley Conservation Area • Proposed access to the allotments will be unsuitable • Requests £45,000 towards improvements to the village hall on Fowke Street.
CPRE Charnwood	<p>Sympathetic to the needs of the school. Object to the housing development for the following reasons:</p> <ul style="list-style-type: none"> • Outside of the settlement limits • Impact on the conservation area and countryside setting of the village • Lack of five year supply does not justify undermining the local plan • The site is within an area of local separation • Existing levels of development in Rothley meet needs • Rothley Neighbourhood Plan supports only small scale development within the settlement limits
Ward Councillor Hadji-Nikolaou	<ul style="list-style-type: none"> • The revised application is insignificant in its change from the previously refused application • Land provided by the developer for the school expansion is not needed • Housing is not needed due to the already committed and completed numbers of housing permissions in Rothley with the village having increased in size dramatically since 2006, • There is lack of basic amenities in Rothley to meet needs of new development • There is need to retain Rothley's character and preserve quality of life for residents • Concerns about level of traffic in the village • Concerns about lack of up to date plan for Charnwood and the disregard for Neighbourhood Plans
NHS CCG	<p>States that the proposed development would increase local population by 169. It seeks a contribution of £29,709.24 towards providing additional clinical accommodation for 142 patients at Alpine House Surgery and £8,216.64 towards providing additional clinical accommodation for 27 patients at Charnwood Surgery. The site falls within the catchment of the two</p>

	surgeries and would be impacted by the proposed development.
Natural England	Confirmed that it has no comment to make.
Historic England	Does not wish to offer any comments. Suggest that the LPA seek the views of your specialist conservation and archaeological advisers, as relevant.
Sport England	<p>States that the proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> • reduce the size of any playing pitch • result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); • reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; • result in the loss of other sporting provision or ancillary facilities on the site; or • prejudice the use of any remaining areas of playing field on the site.' <p>This being the case, Sport England does not wish to raise an objection to this application. Sport England would however seek the implementation of the previously agreed Community Use Agreement to meet current and future issues identified in the Playing Pitch Strategy.</p>

Other Comments Received

89 objection letters have been received from local residents. A further 402 identical petition letters have been received from local residents. A total of 491 objections have been received. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- Housing development would result in loss of greenfield land
- Increased traffic and insufficient highway capacity
- Lack of need for additional housing
- The loss of area of local separation
- Impact on and loss of wildlife
- Incapacity of existing facilities and infrastructure
- The application proposes unplanned piecemeal development
- Increased flood risk
- Contrary to national and local planning policy
- Concerns that the 6 additional classrooms is unnecessary to meet demand

- The site is not identified in new local plan
- Impact on character of the area and setting of parkland
- Harmful impact on Rothley conservation area
- Impact on lord Macaulay's Walk as heritage and landscape asset
- Increased highway movements and insufficient highway capacity
- Highway safety
- Increased flood risk
- Loss of village character
- Impact on local services
- Housing target exceeded
- Does not address previous reasons for refusal
- Site is within area of local separation and would result in coalescence of Rothley and Broadnook garden suburb
- Developer commitments agreed as part of previous permission have not been fulfilled.
- Loss of privacy
- Loss of farmland and agricultural capacity
- Loss of trees and air quality

A letter has been received from Edward Argar MP raising the following matters –

- Considers it right that the school should expand in order to meet existing and future need but this should be supported by a robust travel plan to address disruption to local residents during school pick up and drop off times.
- Has reservations about the proposed 70 new houses and supports residents' views in opposing these.
- LCC has sufficient capital funds to fund the school expansion without it needed to be tied to the 70 houses proposed.
- The residential development will have further impact on local services and infrastructure.
- Further residential development in Rothley should be small scale and within the settlement limits.
- The additional housing would have a harmful impact on the capacity of the road network and it would be within an area of local separation.

Planning History

The following planning history is that which is most recent and relevant to the proposal:

P/20/0610/2 – outline planning permission was sought for 80 dwellings and full permission for a school extension. The application was refused at a time when the council could demonstrate 6.41 years housing land supply on grounds that it would be contrary to the spatial strategy (policy CS1) and would result in harm to landscape and heritage assets.

P/10/1886/2 - Outline planning permission was sought for up to 170 dwellings off Hallfields Lane with associated open space, drainage etc. This application related to the same parcel of land as part of this current planning application. This planning application was refused by the local planning authority.

Following the refusal of planning permission an appeal was lodged and allowed. The conclusions of the Inspector in that case are therefore a material consideration in the determination of this application. Where relevant, the conclusions of the inspector in that case are set out under the relevant considerations below.

The following application is also relevant to the site/proposal;

P/12/1741/2 - Erection of 180 dwellings and erection of school with creation of associated sports pitches, changing facilities and access roads from Loughborough Road and Hallfields Lane. This application was approved.

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, in this regard.

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 (3.34 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.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for Rothley has yet to be made but it has gained formal development plan status following successful referendum on 6th May

2021, and as such carries full weight and stands to be assessed under paragraph 14. Whilst the Neighbourhood Plan is less than two years old there is no unreserved housing allocation to meet an identified housing need within the plan. Accordingly any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The main issues are considered to be:

- The principle of the proposed development;
- Landscape & Visual Impact
- Design and Amenity
- Heritage
- Transport and Highway Impact
- Ecology and Biodiversity
- Infrastructure
- Other matters

Principle of the proposed development

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Charnwood comprises the Core Strategy and those saved policies within the Local Plan which have not been superseded by the Core Strategy.

The vision for the Borough as set out in the Charnwood Local Plan 2011-2028 Core Strategy (2015) confirms that by the end of the plan period Charnwood will be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life and the environment.

CS1 represents the strategic vision of the borough and is an expression of a sustainable growth pattern. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to the smaller villages. In doing so it provides for at least 3000 new homes within or adjoining Service centres such as Rothley. The local planning authority can currently demonstrate 3.34 years housing land supply and the Core Strategy is more than five years old. Accordingly, policy CS1 carries only moderate weight. In the period between the base date of 2011 and the latest full monitoring period of 31st March 2021 4460 homes have been completed or committed within Service Centre Settlements; 45% more homes than provided for in the Core Strategy for Service Centres. This represents a disproportionate level of growth within this tier of the hierarchy and additional development would further undermine the spatial strategy and strategic vision of the borough as set out in Policy CS1. Moreover, of the 4460 homes already committed, 913 of these are at Rothley alone. On the basis that there are seven Service Centres within the Borough, such a level of commitment in respect of just one of these

settlements is somewhat considered to be overly disproportionate. To provide a further 70 homes adjoining Rothley would add to the already excessive level of housing commitments in Service Centres, when compared with levels the CS plans for, and to the disproportionate level of housing provision within Rothley. This conflict with CS1 weighs against the application however it must be noted that Policy CS1 does not carry full weight.

The application site is outside the limits to development of Rothley and within countryside. The supporting text to Policy CS1 states that only a small amount of housing and employment development is necessary in the Service Centres to maintain their facilities and services. There are a sufficient number of planned developments in Service Centres and between 2014 and 2028 it is therefore expected only to see small scale windfall developments within the settlement boundaries. Notwithstanding this, some development on greenfield land may be appropriate if there is a recognised housing need and insufficient capacity within built up areas to meet that need. The local planning authority cannot currently demonstrate 5 years supply of housing land and as such it must be recognised that there is a local and borough wide need for housing and in accordance with paragraph 11.d of the NPPF there is engaged a presumption in favour of sustainable development. It must be noted that Policy CS1 carries only moderate weight.

The proposed school extension would also be located outside of the settlement boundary as defined by saved policy ST/2. Policy CS11 of the Core Strategy supports community development in the countryside where there is an identified local need and there is support for this in a community led strategy, such as a neighbourhood plan. Policy R12 of the Rothley Neighbourhood Plan does support the extension of school facilities in principle providing it meets the requirements of other policies within the neighbourhood plan. Saved Policy CT/1 also supports certain types of development in the countryside, which include strategically important schemes for public services. It is therefore considered on balance that the extension to the school is supported by the development plan in principle. However, in the determination of the application for the existing school building (P/12/1741/2) Leicestershire County Council confirmed that the approved school meets their desired specifications and allows further extensions for future growth on its existing site. Notwithstanding this, the application submitted in respect of the school extension should be considered on its merits and it is considered acceptable in principle in accordance with the above policies.

However, when considering the application as a whole, the application would conflict with policies CS1, CS11, CT1, ST/2 and R02 by virtue of the proposed housing development being located outside of the defined settlement limits. The harm associated with this conflict is considered in the planning balance below.

Visual and Landscape Impact

Policy CS11 seeks to protect the character of our landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessment. Saved Policy CT2 of the Borough of Charnwood Local Plan also seeks

to protect areas of countryside from development whereby it would harm the character and appearance of the countryside. Only where development accords with CT/1 is policy CT/2 engaged. As the development proposed is in conflict with CT/1 and therefore unacceptable in principle, Policy CT/2 is not engaged.

The site is located on the ridge of the Rothley Brook Valley in a highly prominent and visible location from various vantage points across the village and from the wider countryside, which includes the Charnwood Forest. The remnants of a line of trees that sit along the ridge form part of the Temple Estate leading to Rothley Park, known as Lord Macaulay's Walk. The trees along this ridge are protected by Preservation Order. The site is also located within an area of proposed local separation to be allocated within the draft local plan (2021-2037). The site is within the area of local separation as defined by policy R05 of the Rothley Neighbourhood Plan, which carries full weight. The site also contributes towards key views/vistas of the church tower as defined by policy R13 of the Neighbourhood Plan.

In the determination of the existing adjacent housing development, the inspector that allowed the appeal made the following observation in his conclusions; “A robust development and landscape strategy for the site is proposed, incorporating a strong boundary of green infrastructure and open space, will protect the wider countryside around Rothley and maintain physical separation and prevent coalescence between the existing, and emerging (Broadnook SUE) built areas to the south and south-west.”

The previously refused application proposed on the application site was refused on grounds that the scale, density, positioning of buildings and the natural topography of the site, the built form of the proposed housing and school building would significantly break the skyline as seen from various locations on approach to and within the village, including the Rothley conservation area, undermining the inspector’s conclusions above. However, the reduction in the number of units now proposed and as such siting much of the housing further down the sloping site would reduce the level of landscape harm associated with the development. The level of landscape harm associated with the proposed development is considered to be moderate. It is therefore considered that the proposal is in conflict with Policy CS11 of the Core Strategy. This weighs against the development and is considered further in the planning balance below.

Objections have been received on grounds that the application would encroach into an area of local separation between Rothley and Broadnook SUE which is now defined within the recently made Rothley Neighbourhood Plan. Furthermore a Green Wedge and Areas of Local Separation Review took place in 2018 which is robust evidence that will be used in preparing the new Local Plan for Charnwood. The new local plan will replace the Core Strategy and is intended for adoption in 2022. The Review recommends that a proposed area of local separation (ALS) between Rothley and the proposed north of Birstall SUE would “provide a physical gap between Rothley and Birstall restricting further development that may lead to potential merging of these settlements”. The recommendation to designate the proposed site as part of the larger ALS goes on to state that “to ensure, in line with the emerging North of Birstall Direction of Growth proposals, that the physical gap

between Birstall and Rothley is not subject to further compromise." The Review and its recommendations are a material consideration in the consideration of this proposal.

The proposal would result in the loss of a small area of the ALS and this conflicts with policy R05 of the Neighbourhood Plan. However, when assessing the particular location of the proposed built forms, it is not considered that the level of actual visual or perceptible harm will be significant. This is because the position of proposed housing is sited further down the slope and will not be visible from the south within what will be the Broadnook Garden Suburb. The position of the proposed school building on the landscape ridge will be more prominent, but in response to this the applicant has agreed to plant a tree belt along the site's southern boundary to limit views of the building from the south. The level of visual harm therefore is limited and it is not considered that the proposal would undermine the function of the ALS as defined by Policy R05 of the Neighbourhood Plan. In reaching this conclusion, it is also an important consideration that the most northerly areas of the Broadnook Garden Suburb will be designated as a country park and open space, therefore limiting the physical presence of Broadnook from undermining the function of the ALS further. This therefore also weighs against the proposal on grounds of landscape impact and would also contribute towards the coalescence of Rothley and the north of Birstall SUE.

It is therefore concluded that the proposal would be contrary to policies CS11 and R05, however the level of landscape harm associated with this conflict is moderate. This weighs against the development and is considered further in the planning balance below.

Design and Amenity

Local plan policies CS2 and EV/1 seek to require high quality design where people would wish to live through design that responds positively to its context. Policies CS2 and EV/1 also require that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements. Section 12 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The application is submitted in hybrid form and as such, an assessment of the proposed residential development is limited to that based on the submitted master plan. Notwithstanding the principle of development, it is considered that the density proposed reflects that of the existing adjacent development and would represent an efficient use of the land. Should planning permission be granted, the appearance, layout, scale and landscaping would be subject to consideration under a subsequent reserved matters application. It is considered that a scheme could be designed on the basis of the master plan that accords with Policies CS2, EV/1 and the design

SPD in respect of the individual design of the house types that would preserve the amenity of existing nearby residents.

In terms proposed school building, of which full planning permission is sought, the design reflects that of the existing high quality school building. The proposed single storey scale of the school building also responds to the sites elevated position.

It is considered that the hybrid application when considered together would deliver a scheme of which the design accords with Policy CS2, EV/1, R03 and the Design Guide.

Heritage

Policy CS14 of the Core Strategy seeks to conserve heritage assets and their settings. Policy R13 of the Neighbourhood Plan seeks to protect the setting of Listed Buildings and the character of the Rothley Conservation Areas. Paragraph 190 of the National Planning Policy framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

In the case of determining planning applications, Section 66 of the Town and Country Planning (Listed building and Conservation areas) Act 1990 requires that special regard shall be had for preserving and enhancing listed buildings and their settings. Section 72 requires that special attention shall be had for preserving or enhancing the character and/or appearance of the conservation area.

Rothley Conservation Area

The proposed development is closest to the Town Green part of the conservation area. The Town Green end appears to have developed at the junction of two roadways, one leading to a fording point of the Rothley Brook and a second running towards the boundary of Rothley Court. This early period of development is reflected in the number of timber framed buildings dating from the 16th and 17th centuries that stand alongside Town Green Street and are some of the oldest buildings in the village. The present Town Green forms a distinctive triangular shaped piece of open land where these two roadways diverge, although it is not clear whether the green is a remnant of the original settlement or was simply open land left at a road junction. Evidence from a map of 1780 of landholdings in the village suggests the latter as there is no indication of a formal green, only a wide junction between the two roadways. The lack of houses on the south side is probably due to the regularity of the brook flooding. Town Green is rural in the characteristics of its arrangement. It is surrounded by some of the oldest buildings in the village and is likely to have been the original principal space for public activity.

Rothley Brook and its associated meadow lands make a significant contribution to the setting of the village. They create a calm rural quality to the landscape and they create opportunities for views of the village from outside and vistas across the valley from within the village.

The current proposal outlines development close to Town Green and will be visible from this historically important space, particularly in wintertime. The form of modern

housing and formal layout of the proposed development will be at odds with the Green's rural medieval character and its surrounding timber framed buildings, as such it will impact on the heritage significance of this part of the conservation area and the setting of the listed buildings that frame it. This harm is considered to be less than substantial, but has been reduced on account of the changes proposed as part of the current application which has seen a reduction in the number of units within the south and west of the site whereby the built forms will be largely contained within the visual backdrop of the existing modern housing development. In this regard the harm is minor and less than substantial.

Rothley Court & Knights Templar Chapel.

Rothley Court is listed grade I. The surrounding parkland and more formal garden to the south contribute significantly to the heritage significance of the setting of the listed building. This setting extends eastward along Lord Macaulay's Walk, gently rising towards the former A6, representing the original formal carriage way to Rothley Court. Lord Macaulay's Walk is characterised by a number of mature trees lining its route and open land to either side.

Previous applications and decisions directly adjacent to this site identified and accepted that these characteristics had significant heritage value and delivered enhancements to better reveal the heritage significance of Lord Macaulay's Walk and its contribution to the setting of the grade 1 listed building. The current proposal to site housing and school buildings closed to Lord Macaulay's Walk would cause less than substantial harm to the heritage significance of Lord Macaulay's Walk and the contribution it makes to the setting of Rothley Court.

The harm identified in respect of the above mentioned heritage assets is considered to be less than substantial. In accordance with Paragraph 196 of the NPPF, where there is less than substantial harm to a heritage asset, this should be weighed against the public benefits of the proposal. This assessment is set out in the conclusion and planning balance below.

Highway Safety

Policy CS17 of the Core strategy requires that major development proposals provide well-lit streets and opportunities for walking, cycling and public transport access to key facilities. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Local Highway Authority (LHA) has been consulted in respect of the access and parking proposals in respect of both elements of the application. In the determination of the previously refused application for 80 dwellings, the Local Highway Authority (LHA) required satisfactory further information to be submitted to enable further consideration of the development proposal. Specifically, the LHA required further evidence to demonstrate that the single point of access is sufficient to withstand the intensification of its use arising from the proposed additional development. The current application has been supported by the same supplementary evidence which considered a development of up to 80 units to the satisfaction of The LHA. The LHA

therefore advises that the cumulative impact of the development would not be severe in accordance with paragraph 109 of the National Planning Policy Framework and that a safe and suitable vehicular access would be provided to the residential elements of the proposed development as required by paragraph 108 of the NPPF.

It is therefore concluded that the application proposals are acceptable and in accordance with paragraphs 108 and 109 of the National Planning Policy Framework subject to conditions and obligations as recommended/requested.

Ecology

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

The application is supported by a preliminary ecological appraisal. Overall the habitats within the site were considered to be of limited ecological value, with only small areas considered to have the potential to support protected/notable faunal species (as per those listed in the submitted appraisal). The trees and hedgerow habitats could be retained within the development and potential enhancements could be made as part of the detailed design of the development.

Subject to the imposition of a condition requiring a scheme of ecological enhancement, which can also be secured by way of a landscaping scheme also to be agreed, it is considered that the proposal accords with policy CS13 and paragraph 175 of the NPPF in respect of biodiversity and ecology.

Developer Contributions

Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

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

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. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate the impact of the proposals. At the time of the determination, the following contributions have been requested;

Organisation requesting a contribution	Amount	Location of spend	CIL assessment
Affordable Housing	40% requested	On site	The requested provision on site in

			<p>mix to be agreed in compliance with Policy CS3. 75% social and affordable rent and 25% shared ownership. It is requested that a proportion of the affordable units are bungalows and 4 bed units in order to meet local need.</p> <p>Recommendation: CIL compliant</p>
West Leicestershire Clinical Commissioning Group (Healthcare)	<p>£29,709.24 towards providing additional clinical accommodation for 142 patients at Alpine House Surgery and £8,216.64 towards providing additional clinical accommodation for 27 patients at Charnwood Surgery.</p>	Alpine House Surgery and Charnwood Surgery	<p>The site falls within the catchment of the two surgeries and would be impacted by the proposed development.</p> <p>Recommendation: CIL compliant</p>
Leicestershire County Council Education	<p>£306,432.00 and additional land towards improving capacity at local primary school.</p>	<p>Improvements to capacity in Rothley C of E Primary school which forms part of the application site, where there would be a deficit of pupil places following the completion of the development.</p>	<p>The application site falls within the catchment of this School and therefore the financial contributions are directly related in scale and kind to the development proposed.</p> <p>Recommendation: CIL compliant</p> <p>The request for land in addition to the financial contribution would not be CIL compliant as this is not considered</p>

			necessary to mitigate the impact of the development. Recommendation: Not CIL compliant
Leicestershire County Council Highways	<p>Travel Packs: one per dwelling/employee at £52.85 per pack</p> <p>Bus Passes: 6 month bus passes, two per dwelling/employee at £360 per pass</p> <p>A Travel Plan monitoring fee of £6,000 for LCC's Travel Plan Monitoring System</p>	<p>Travel packs: Provision for new employees and residents of the development</p> <p>Bus passes: Provided to new residents and employees of the development</p>	<p>The contributions would contribute towards sustainable travel choices in accordance with Policy CS17 of the CS and the</p> <p>Recommendation: CIL compliant</p>
Charnwood Borough Council Open Spaces	On site provision and £116,405.00 for off-site improvements	<p>Parks, Natural and Semi Natural Open Space and Amenity Green Space can be met on site of which details will be required by planning condition.</p> <p>The remaining typologies (provision for children, young people, Indoor and Outdoor sports facilities and allotments) are being met off site with contributions totalling £183,454.00</p> <ul style="list-style-type: none"> - £18,666 towards enhancement to the nearby LEAP - £66,779 	<p>In accordance with policy CS15 of the CS, on site public open space is to be provided. The Councils Open Spaces Team has confirmed a number of projects which the contribution could fund and it would be within the vicinity of the site. The Indoor sport however is generated on the basis of a national calculator and therefore cannot be related in scale and kind to the development.</p> <p>Recommendation: Partially CIL</p>

		<p>towards young people's provisions</p> <ul style="list-style-type: none"> - £23,056 towards Outdoor Sports - £7,904 towards allotments - £67,049 towards indoor sport 	compliant
Rothley Parish Council	£45,000 towards refurbishment of Village Hall	Village Hall, Fowke Street Rothley	<p>This request is not supported by any evidence or calculations to demonstrate that it is regulation 122 compliant.</p> <p>Furthermore, there is no policy within the NP that supports this request.</p> <p>Recommendation: Not CIL compliant</p>
LCC Civic amenity	£3617.00	Mountsorrel Household Waste and Recycling Centre	<p>The contribution would be spent to facilitate additional capacity in order to meet the additional demands created by the development.</p> <p>Recommendation: CIL compliant</p>

In respect of the Local Education Authority's request for land in addition to the financial contribution, this would not be CIL compliant as it is not necessary and the value of the land in question has not been deducted from the sum requested for financial contributions. It cannot therefore form part of the section 106 agreement and cannot be a reason for granting planning permission. The benefits of the school extension can however be given weight in the planning balance as a positive aspect of the development for the purpose of para 196 NPPF as it forms part of the planning application and as such it is suggested that the land in respect of the parking area and hardball court be provided prior to the construction of the housing development, in order to ensure that this aspect of the development is realised.

Other Matters

The application in respect of the housing development is submitted in outline form therefore it is not known at this stage what the housing mix will consist of. Policy CS3 seeks an appropriate mix of housing having regard for identified housing need. Housing need in Charnwood is identified by the Housing and Economic Development Needs Assessment 2017 (HEDNA). This forms the evidence base for the policy, is up-to-date and should be given significant weight in the determination of planning applications. When seeking an appropriate mix, regard should be had for a number of factors which include the nature of the development site and the character of the wider area, as well as economic viability. Policy CS3 also requires that 40% of dwellings within new developments at Rothley be affordable dwellings.

In conclusion, overall, when considering policy CS3 and the Housing SPD, it is considered that the proposal is capable of according with the development plan in respect of housing mix which can be controlled by way of a planning condition to be determined as part of any subsequent reserved matters application. The provision, including the tenure and mix of affordable housing, can be secured by legal agreement.

Residents have raised objection to the development on grounds that infrastructure delivery (such as a pedestrian bridge and structural landscaping) secured as part of the previously allowed appeal has not been delivered. The applicant is offering to deliver such projects as part of the currently proposed application. On account of the previous permission, the benefits of these proposals are not given positive weight in the planning balance as they are subject of non-compliance with planning conditions previously imposed and separate enforcement matters.

Residents have raised concerns that the development would result in additional risk to surface water flooding. The Local Lead Flood Authority has been consulted and no response has been received in respect of surface water flooding. The Environment Agency raises no objections in respect of fluvial flood risk. Severn Trent Water raises no objections in respect of foul water management. It is considered that should the local planning authority be minded to grant planning permission, the adequate management of surface water could be controlled by way of a planning condition requiring details of a drainage strategy prior to the commencement of development. Any concerns in respect of flood risk can be adequately mitigated with the use of robust planning conditions and therefore a reason to refuse the application on flood risk or drainage grounds cannot be substantiated.

Conclusion and Planning Balance

Policy CS1 is by far the most important policy in the determination of this application. The provision of large scale housing development on greenfield land outside of the village of Rothley would conflict with policy CS1 of the Core Strategy. Further development at this tier of the settlement hierarchy would undermine the overarching principle of the Core Strategy, which is one of urban concentration and regeneration. To grant planning permission, it would undermine the plan-making process and be contrary to the development plan. This weighs against the proposal.

In addition, the proposed housing development would conflict with saved LP Policy CT/1, which seeks to strictly control development in the countryside and to limit it to

certain types, excluding that proposed. The principle of the proposed school extension, however, would, on balance accord with CT/1.

The proposal would also conflict with saved LP Policy ST/2 and Neighbourhood Plan policy R02 which requires built development to be confined to allocated sites and other land within development limits unless it meets specific criteria. This weighs against the proposal. The level of conflict with the above policies needs to be considered in the context of the tilted balance situation as set out by paragraph 11d of the NPPF. Given the outdatedness of the above policies when taken together, it is not considered that the harm arising from this would be significant or demonstrable insofar as the principle of development is concerned.

The provision of up to 70 dwellings in an accessible location, of which at least 40% could be affordable, would make a useful contribution to housing supply within the Borough and would support the Government's objective to significantly boost the supply of homes. At a time where there is a borough wide housing shortfall and the council can demonstrate only 3.34 years housing land supply, the benefits of such housing provision are afforded significant positive weight.

It is considered that the development would cause less than substantial harm to the setting of heritage assets. However in accordance with paragraph 196 of the NPPF, it is considered that the public benefits of the proposal when considered overall outweigh the less than substantial harm. Furthermore, the proposal would result in harm to the landscape, loss of countryside and agricultural land. This also weighs against the proposal and is contrary to the development plan. However, when these harms are considered individually and cumulatively, the harms are not considered to be significant and do not outweigh the benefits of the scheme.

It has been demonstrated that the development is acceptable in respect of highway safety and capacity. This is afforded neutral weight.

The proposed school extension would provide benefit to the local community and there is public interest in securing an extension to the school, both for existing and future residents. The benefits associated with the school expansion, and the provision of the land as part of the application to facilitate the school extension are afforded positive weight. However, this in itself does not justify the granting of planning permission for 70 houses contrary to the development plan. The harms that would arise in terms of undermining key policies of the development plan and the harm to heritage assets and the landscape would be significantly outweighed by the benefits of the proposal overall at a time when the Council cannot demonstrate a 5 year supply of housing land and the tilted balance in favour of sustainable development must be applied in order to boost the supply of housing.

Overall and on balance, the harms associated with the development do not significantly outweigh the benefits. The application is therefore recommended for approval subject to conditions and the completion of a S106 Legal agreement.

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:

Education	£306,432.00 towards primary school provision in the area
Affordable Housing	40% of units to be affordable
Open Space	<ul style="list-style-type: none"> • Provision of Parks, Natural and Semi Natural Open Space and Amenity Green Space is to be met on site • £116,405 for off-site improvements (LEAP, provision for young people, Outdoor Sport facilities and allotments)
Sustainable Transport	<ul style="list-style-type: none"> • Travel packs for each dwelling/new employee to include two application forms for 6 month bus passes • Travel Plan Monitoring contribution
NHS W Leicestershire CCG	£29,709.24 towards providing additional clinical accommodation for 142 patients at Alpine House Surgery and £8,216.64 towards providing additional clinical accommodation for 27 patients at Charnwood Surgery.
Libraries	£2,120 towards library facilities at Rothley Library.
Civic Amenity	£3617.00 towards improving capacity at Mountsorrel Household Waste and Recycling Centre

RECOMMENDATION B:-

That subject to the completion of the Agreement in Recommendation A, permission be granted subject to the following conditions with authority given to the Head of Planning and Regeneration (including add and delete) the conditions and informative notes approved insofar as is necessary.

This planning permission is granted subject to the following Conditions and Reasons why they are imposed

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the first of the reserved matters, whichever is the later.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	The first application for reserved matters shall be made within 2 years of

	<p>the date of this permission and all subsequent reserved matters shall be submitted by no later than 3 years from the date of this permission</p> <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>
3.	<p>The residential development as indicated on drawing No. 005 Rev J received by the local planning authority on 1st June 2021 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.</p> <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>
4.	<p>The primary school development, hereby permitted, shall be carried out in accordance with the following approved plans:</p> <p>Site Location Plan by Nineteen47;</p> <ul style="list-style-type: none"> • Site Layout Plan by Nineteen47; • Site Access Plan by ADC Infrastructure; • Drop Off Car Park Access by ADC Infrastructure (drawing no: ADC1730DR); • Proposed Elevations by A+G Architects (drawing no: L1929-150_C); • Floor Plan by A+G Architects (drawing no: L1929-110_D); • External Works Site Plan by A+G Architects (drawing no: L1929102_C); • Sketch Perspective 1 by A+G Architects (drawing no: L1929-SK03); • Sketch Perspective 2 by A+G Architects (drawing no: L1929-SK04); • Site Sections by A+G Architects (drawing no: L1929-130_A); <p>Design and Access Statement by Nineteen47;</p> <ul style="list-style-type: none"> • Landscape and Visual Appraisal by Pegasus Group; • Tree Survey by Ramm Sanderson; • Phase 1 Habitat Survey by Ramm Sanderson; • Flood Risk Assessment and Drainage Strategy by ADC Infrastructure; • Transport Assessment by ADC Infrastructure; • Phase 1 Ground Conditions by GRM; • Heritage Desk Based Assessment by Pegasus Group; • Noise Assessment by Hoare Lea; and • Air Quality Screening Letter by Wardell Armstrong. <p>REASON: To define the terms of the planning permission.</p>
5.	<p>In respect of the primary school development, only those materials specified in the application shall be used in carrying out the development, hereby permitted.</p> <p>REASON: To ensure the satisfactory appearance of the completed development.</p>
6.	Prior to the occupation of any dwelling, the new primary school multi-use

	<p>games area and staff parking as shown on drawing number 005 Rev J shall be completed.</p> <p>REASON: To ensure the benefits of the additional land provided to the primary school development are realised prior to the occupation of any dwelling</p>
7.	<p>No above ground works of the primary school development, (excluding demolition), shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard areas; ii) full details of tree planting; iii) planting schedules, noting the species, sizes, numbers and densities of plants; iv) finished levels or contours; v) any structures to be erected or constructed; vi) functional services above and below ground; and vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed. viii) all boundary treatments <p>REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.</p>
8.	<p>The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted. All boundary treatments shall be retained in the approved form.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.</p>
9.	<p>No development, including site works, shall begin until the trees to be retained within the application site have been protected, in a manner previously agreed in writing by the local planning authority. The trees shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The trees and hedgerows are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with policies CS2, CS11 and CS13</p>
10.	The primary school building on the site shall be not be occupied until a

	<p>landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas that form part of the school grounds has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.</p>
11.	<p>No dwelling on the residential site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, excluding private gardens has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.</p>
12.	<p>Prior to the commencement of development of the school building, full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels shall be submitted and approved by the local planning authority. The development shall thereafter be carried out in strict accordance with the approved details.</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 CS11 of the Development Plan and associated national and local guidance.</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>No part of the primary school development hereby permitted shall be occupied until such time as the school drop-off / pick-up car park has been expanded in accordance with Nineteen47 drawing number n1253/005 Rev I. Thereafter the expanded parking provision shall be so maintained in perpetuity.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning</p>

	Policy Framework (2019).
15.	<p>No part of the primary school development hereby permitted shall be first occupied until a full School Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).</p>
16.	<p>No part of the residential development hereby permitted shall be first occupied until a framework residential Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019).</p>
17.	<p>No part of the primary school development hereby permitted shall be occupied until such time as the access arrangements shown on ADC Infrastructure Ltd. drawing number ADC1730-DR-050 Rev P3, 'Car Park Access Swept Path Analysis and Proposed Redesign', have been implemented in full.</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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p>
18.	<p>No part of the residential development hereby permitted shall be occupied until such time as the access arrangements shown on ADC Infrastructure Ltd. drawing number ADC1730-DR-002 Rev P3, 'Proposed Access Design', have been implemented in full.</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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p>
19.	<p>The primary school development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with A+G Architects drawing number L1929/102 Rev E, 'External Works Site Plan'. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the</p>

	site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).
20.	<p>No development shall take place until a scheme for the improvement of Public Right of Way J55 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.</p> <p>REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2019).</p>
21.	<p>No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.</p> <p>REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.</p>
22.	<p>The Public Footpath should comprise of a 2-meter wide tarmacadam surface with 1-meter wide grass verges on either side in accordance with the County Council's Guidance Notes for Developers.</p> <p>REASON: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.</p>
23.	<p>Where a Public Right of Way crosses a Carriageway, drop kerbs should be installed at the crossing points.</p> <p>REASON: to improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with Paragraph 98 of the National Planning Policy Framework 2019.</p>
24.	<p>No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.</p> <p>REASON: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019</p>

25.	<p>Any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved by the Local Planning Authority prior to the commencement of development and in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. The development shall be carried out in the agreed form and complete prior to the occupation of the development.</p> <p>REASON: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.</p>
26.	<p>Prior to first occupation any existing Public Right of Way furniture within the development boundary should be improved or removed if appropriate, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.</p> <p>REASON: to improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with Paragraph 98 of the National Planning Policy Framework 2019.</p>
27.	<p>Prior to the completion of the development, a signing scheme in respect of the Public Right(s) of Way, should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.</p> <p>REASON: to ensure the path is easy to follow through the development in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.</p>
28.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy is submitted that accords with the recommendations contained within the submitted and approved Ecological Appraisal by ram Sanderson RSE_1692-01-V2. The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: to mitigate the impacts of the development during the construction phase and over the lifetime of the development in accordance with Policy CS13 of the Core Strategy and to ensure that there is no net loss of biodiversity on site.</p>
29.	<p>The residential development hereby permitted shall be carried out in accordance with the approved Environmental Noise Report, REP-1011833-05-AM-20191121-Rev 2, of which the following measures shall be incorporated into the development:</p>

	<ul style="list-style-type: none"> - all dwellings should have windows with a minimum rating of Rw 30. - any garden boundaries which have a view of the adjacent roads be provided with solid barrier fencing to a minimum height of 1.8m. The fencing should be continuous to ground level without any significant gaps. <p>REASON: to protect the amenity of those that will live in the development in accordance with policy CS2</p>
30.	<p>No primary school development approved by this planning permission shall take place until such time as a surface water and foul drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved drainage scheme shall be carried out, complete prior to occupation of the development and retained thereafter in the approved form.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface and foul water from the site.</p>
31.	<p>No residential development approved by this planning permission shall take place until such time as a surface water and foul drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved drainage scheme shall be carried out, complete prior to the occupation of the development and retained thereafter in the approved form.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface and foul water from the site.</p>
32.	<p>No development of the primary school or the residential development (phase) approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during each phase of the construction of the development has been submitted to, and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the 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 through the each of the entire development construction phases.</p>
33.	<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>

34.	<p>The school extension hereby permitted shall not be brought into use until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the junior football pitches and all weather court and include details of pricing policy, hours of use, access by non-Rothley Church of England Primary School users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The school shall not be used at any time other than in strict compliance with the approved agreement, unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To secure well managed safe and continued community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.</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 and 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. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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>. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). 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. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
7. Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
8. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the
9. Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
10. The drainage 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.

