

Item No. 1

Application Reference Number P/20/2361/2

Application Type:	Full	Date Valid:	16/12/2020
Applicant:	Jelson Ltd		
Proposal:	Residential Development of 50 dwellings and associated infrastructure		
Location:	Land off Halstead Road Mountsorrel Leicestershire LE12 7HG		
Parish:	Mountsorrel	Ward:	Mountsorrel
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 outside current limits to development.

Description of the Application Site

The application site extends to approximately 3.1 hectares and comprises a single field which is currently used as a paddock. The field is relatively flat with trees and hedgerows around its boundary. The site can be accessed via a farm access at the southern boundary. The site is bounded to the south by Halstead Road. Beyond this, to the south, is the Halstead Road Centenary Pasture Local Nature Reserve, allotments and residential dwellings on Willow Grove. To the east of the site is the Jelson scheme of 200 dwellings which is currently under construction. To the west is a smaller field, beyond which is a single residential dwelling. The Great Central Railway line runs along part of the western boundary. There are fields directly to the north. Mountsorrel Quarry is approximately 700 metres to the north west of the site. The site is predominantly level although there is a gentle slope with levels rising to west. The site is outside but partially adjacent to the limits to development for Mountsorrel.

Description of the Proposal

The application seeks full planning permission for the erection of 50 dwellings with access obtained from Halstead Road. The proposal also includes the provision of SUDs features, internal roads, soft landscaping and onsite open space. The proposal seeks to provide 30% affordable units. The housing mix ranges from 2 to 5 bedroom terraced, semi-detached and detached houses with majority (80%) being 2 and 3 bedrooms. The proposal includes the provision of 15 (30%) affordable dwellings. The design and character of the proposal seeks to reflect and expand upon the design of the adjacent Jelson development which is currently under construction. An additional pedestrian footpath is proposed within the site to link the two developments with the

creation of a new footway within the public highway on the north side of Halstead Road.

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.

Other Material Considerations

The National Planning Policy Framework (NPPF 2021)

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 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 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 74). 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 62).

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 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

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 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Section 16: Conserving and enhancing the historic environment - Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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.

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 Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six week

pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021.

This document sets out the Council's draft strategic and detailed policies for the period 2019-37. 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	Confirms that the site is in flood zone 1 and accepts the proposed drainage strategy. Does not object to the proposal and suggests conditions.
Housing Strategy & Support CBC	Seeks 30% affordable housing on the site at an appropriate mix and with 77% for rent and 23% for shared ownership. The layout and clustering broadly complies with the housing SPD.
Environmental Protection - CBC	Does not raise any objections to the application subject to a condition being imposed requiring noise mitigation to be carried out to protect the amenity of future occupiers.
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.
LCC Education	Seeks contributions of £128,492.00 towards remodelling and improving capacity at Christ Church & Saint Peter's C of E Primary School. Seeks contributions of £181,180.00 towards remodelling and improving capacity at Rawlins Academy.

LCC Libraries	Seeks a contribution of £1,510.00 towards library facilities at Mountsorrel Library.
LCC Civic Amenity	Seeks a contribution of £2584.00 towards increasing capacity at Mountsorrel Household Waste and Recycling Centre.
Mountsorrel Parish Council	<p>Objects to the application on the following grounds;</p> <ul style="list-style-type: none"> - The site is not allocated for development - It is outside of the limits to development - Impact on the character and scale of the village - Impact on infrastructure and services - Impact on the landscape through loss of open green field land - Lack of distinctive design or energy efficient construction - Lack of bungalows - Concerns over the impact on the adjacent railway - Impact on traffic and intensifying use of surrounding roads/junctions - Drainage network capacity - Local primary school cannot be expanded - Requests contributions towards local bus services, improved pedestrian and cycle connectivity, funding towards the nearby Cufflins Park development. - Requests that the proportion of affordable housing is reduced to 15% with a larger contribution sought instead for the nearby Cufflins Park project to address a funding shortfall.
Charnwood Open Spaces	<p>Raises no objection. Suggests conditions requiring details of storage of refuse and materials for recycling, including bin collection points. Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space • An on-site natural and semi open space • An on-site amenity green space • £13,333 towards enhancement of nearby the LEAP facility • £47,700 contribution towards new or enhanced young people's provision within the adjacent Cufflins Park development or other nearby provision. • £16,469.00 contribution towards off-site outdoor sports facilities • £5,646.00 contribution towards off-site provision or enhancement of allotment facilities in Mountsorrel. • An indoor sports contribution to consist of £22,709.00 towards swimming pool facilities, £21,943.00 towards indoor court facilities and £3,240.00 towards indoor bowls rink facilities

Ward Councillor Capleton	Supports the Parish Council's first preference that the application should be refused and requests to speak at the meeting.
NHS CCG	Seeks £25,315.62 towards providing additional clinical accommodation at Alpine House and Charnwood Surgery in order to meet the needs of the additional residents.
Great Central Railway	Concerns that the proposal could result in surface water draining onto the railway. Requests that they be consulted on the drainage scheme. Requests that substantial fencing is constructed to prevent trespass along the railway. Concerns that use of the railway will impact on future residents.
Network Rail	No observations to make and confirms that the adjacent railway is under the control of the Great central Railway
Natural England	Considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Other Comments Received

61 objection letters have been received from local residents. 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

- Impact on the countryside
- Impact on the landscape
- Loss of greenfield land
- Overdevelopment of the site
- Design of house types out of character with area
- Flood risk
- Concerns regarding drainage capacity and surface water flooding
- Concerns regarding capacity of the highway network
- Concerns regarding highway safety
- Lack of infrastructure for additional population
- Location of affordable housing
- Unsustainable location
- Loss of village identity
- Lack of need for additional housing
- Housing mix does not meet current needs
- Loss of privacy
- Overbearing impacts
- Loss of trees

- Harm to ecology
- Noise and disturbance during construction

Planning History

There is none relevant to the application site itself. The following planning history of the adjacent site is that which is most recent and relevant to the proposal:

Reference	Application	Decision
P/15/1024/2	Erection of 200 dwellings. (Reserved Matters - Outline application P/13/1008/2 refers)	Approved 17/2/2016
P/13/1008/2	Site for residential development of up to 200 houses with associated roads, landscaping, sports pitch and landscaped bund. (revised scheme P/12/0022/2 refers)	Approved 23/12/2014

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 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 (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.

The main issues are considered to be:

- The principle of the proposed development;
- Design, Layout and Landscape & Visual Impact
- Open space
- Residential Amenity

- Housing Mix
- Transport and Highway Impact
- Ecology and Biodiversity
- Flood risk/drainage
- Infrastructure
- Other matters

Principle of the proposed development

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 3,000 new homes within or adjoining Service centres such as Sileby. 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, 4,460 homes have been completed or committed within Service Centre Settlements. This is 45% more homes than provided for in the Core Strategy for Service Centres and represents a disproportionate level of growth within this tier of the hierarchy. Additional development would therefore further undermine the spatial strategy and strategic vision of the borough as set out in Policy CS1. Of the 4,460 commitments and completions within Service Centres, 364 of these have been Mountsorrel.

The site is located outside of the defined settlement limits of Mountsorrel and in the countryside as defined by saved policy ST/2. The proposal would not accord with the provisions of CT/1 in respect of development in the countryside. Due to their age and consistency with the NPPF, these policies carry moderate weight and any harms arising from the conflict with these saved policies will need to be considered in the overall planning balance. Paragraph 69 of the NPPF states that small and medium size sites can make an important contribution to meeting housing requirements and are often built out quickly. Support should be given to windfall sites through policies and decisions.

Policy CS11 is important in considering the proposal as it seeks to protect the character of the Borough's 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. This policy is broadly consistent with national planning policy framework, does not have such a direct relationship with supply of housing and so is considered to attract significant weight.

Saved Policy CT/1 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 it is therefore unacceptable in principle and Policy CT/2 is not engaged.

When considering the application as a whole, the application is considered to be in conflict with Local Plan Core Strategy (2011-2028), policies CS1 and CS11, 'saved' policies ST/2, CT/1 of Local Plan 2004 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.

Design, Layout and Landscape Impact

Local Plan Policy CS2 seeks to require high quality design where people would wish to live through design that responds positively to its context.

Policy CS11 seeks to protect landscape character and countryside. The Charnwood Landscape Character appraisal describes this area of the Charnwood Forest a lower lying, predominantly open, arable landscape with some small pockets of pasture and small blocks of ancient woodland. The character area lies between the core Charnwood Forest and the Soar Valley. This area is heavily influenced by settlement from the built edges of Mountsorrel and Rothley. This area of the Charnwood Forest is defined by its distinctive vernacular style typically consisting of slate roofs, red brick and use of granite stone. The site is not considered to be sensitive in landscape terms.

The site is located on the western edge of Mountsorrel that is defined by its edge of countryside location. The character of the built environment in this part of the village is defined by a mix of house styles and forms, albeit those immediately abutting the application site are late C20 and early C21 predominantly two storey properties set within relatively spacious plots. The more distinctive properties along Swithland Lane are located to the south west, although there is little visual or physical relationship with the site itself. Halstead Road is also defined by its verdant character with deep grass verges and boundary hedgerows.

The proposed house types are predominantly constructed in brick and tile and the majority are designed with a horizontal emphasis, all of which are two storeys in height with some feature gables and traditionally styled which are appropriate to the edge of countryside location and the built forms found elsewhere along Halstead Road. The stylistic mix of house types therefore relates to the predominantly rural character of the area the use of materials found within this location on the edge of the Charnwood Forest. The design of the proposed house types therefore preserves the character of the area in accordance policy CS2 of the Core Strategy.

The proposed layout is largely focused around the different areas of public open space to the sites frontage, which in turns preserves the spacious open feel along Halstead Road. Connectivity within and around the site has been improved from with the introduction of pedestrian connectivity points to the adjacent residential development to the east and Cufflins Park to the North. It is considered that the design of the proposed layout is broadly compliant with the Design SPD and would result in a high quality environment with good access to the countryside and opportunities for social interaction.

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low

density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not 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.

Arboricultural survey work submitted with the application shows that the majority of the trees and hedges within the site are to be retained with additional planting to be secured via the landscaping scheme. It is recommended that full details of species, densities and numbers be secured by planning condition.

It is therefore considered that the proposal would not result in adverse or unacceptable landscape or visual impact in accordance with policy CS11. It is also considered that the proposed house types and layout broadly respects the semi-rural location on the edge of the Charnwood Forest and therefore accords with policy CS2 of the Core Strategy, EV/1 of the Local Plan and the Design SPD.

Open Space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. The proposal includes several different areas of Public Open Space with varying functions in order to meet the different typology requirements expected by Policy CS15. Smaller overlooked areas of amenity green space are proposed within other areas of the development. However, the site benefits from being situated adjacent to the earlier phase which provides existing areas of Open Space that could be used by future residents, in addition to being adjacent to the Cufflins Park Development. It is recommended that contributions be sought towards enhancing existing or planned facilities in terms of facilities for children, young people, outdoor sport and allotments. Full details of long term management responsibilities of on-site open space will be required by planning condition and secured via the section 106 agreement.

Overall it is considered that the development would provide good quality open space proportionate to its size and accordingly the proposal is considered to comply with policy CS15 of the Core Strategy. Conditions are recommended in terms of securing of the detailed landscape design and long term management responsibilities

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 in order to ensure an adequate level of amenity.

Objections have been received from neighbouring properties that abut the site with concerns raised over the height and scale of the properties in relation to boundaries which they consider would result in loss of light and overshadowing of their properties.

The proposed landscape buffer along the site's eastern boundary will effectively separate the development from those existing properties within the earlier phase which is nearing completion. The distance and landscaping proposed would prevent undue

overlooking, loss of privacy, overbearing or loss of light. Accordingly, the layout of the proposed development has been designed to accord with the guidance contained within the Charnwood Design SPD and is considered acceptable in these regards.

The proposed dwellings will be situated adjacent to a section of the Great Central Railway line that is currently unused but it could be brought back into use at any time therefore noise, disturbance and possible vibration from passing vehicles is a consideration for future occupiers. The Council’s Environmental Health Officer consulted as part of the application has raised no objections on grounds of noise or disturbance subject to the development being carried out in accordance with the noise mitigation measures contained within the submitted noise impact assessment. A planning condition is accordingly recommended.

Overall, it is considered that the development would comply with policy CS2 of the Core Strategy as it would not have a detrimental impact on residential amenity in terms of loss of light, over dominance or loss of privacy.

Housing Mix

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 30% of dwellings within new developments at Mountsorrel be affordable dwellings.

The surrounding area consists of a low density mix of dwellings in terms of size and type of housing, the mix proposed within the site should therefore reflect this. The site is also located on the edge of the settlement and therefore it would be expected that a proportion of larger 4+ bed detached properties be located at the edges of the site. The open market housing mix as proposed is set out below:

Open Market Housing

No. of beds	Proposed scheme %	HEDNA suggested %
1	0%	0%-10%
2	0%	25%-35%
3	71%	45%-55%
4+	29%	10%-20%

The proposed open market housing mix is therefore moderately adrift from the needs identified by HEDNA. However, Policy CS3 also requires that regard be given to the character of the area. It is considered that the proposed open market housing mix is acceptable on account of the site’s location and that the mix represents the right balance between meeting identified needs and respecting the character, density and pattern of development in the surrounding area.

Affordable Housing Mix

No. of beds	Proposed scheme %	HEDNA suggested %
1	0%	40-45%
2	20%	20-25%
3	80%	25-30%
4+	0%	5-10%

In terms of the location and distribution of the affordable housing, the housing SPD seeks to ensure the affordable housing is not distinguishable from the open market housing and should be in contiguous groups of no more than 10 units. The affordable housing is set out in groups of a cluster of 8 and 6. The proposal complies with the housing SPD in this regard. The Council's Affordable Housing Strategy Manager has been consulted on the proposals and supports the mix, distribution and tenure proposed.

In conclusion, overall, when considering policy CS3, the Housing SPD it is considered that the proposal accords with the development plan in respect of housing mix.

Transport and Highway Impact

In accordance with Policies CS17 and CS18 of the Core Strategy and Policy TR/18 of the Local Plan, applicants need to demonstrate sustainable travel options and demonstrate that a safe and suitable access can be provided. Paragraph 110 and 111 of the NPPF.

The Highway Authority has assessed the Transport Assessment and Travel Plan submitted in support of the application together with further additional information and evidence requested and submitted throughout the course of the application. It is considered that the number of dwellings proposed would not cause severe or unacceptable impact on the highway network and that the proposed access from Halstead Road is acceptable. Furthermore, there is sufficient parking provided commensurate with the number and size of dwellings proposed. The Local Highway Authority raises no objection to the application subject to planning conditions.

It is considered that subject to appropriately worded planning conditions the proposal would accord with Paragraphs 110 and 111 of the NPPF, policy CS17 of the CS and saved policy TR/18 of the Local Plan in respect of parking, access and highway safety. Financial contributions requested by the local highway authority to mitigate the impacts of the development are considered below.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. This policy generally accords with the National Planning Policy Framework and does 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 it.

The application site is located adjacent to the Halstead Road Centenary Pasture Nature Reserve. The application is supported by an Ecological Appraisal and

Biodiversity Impact Assessment which shows that there will be no net loss of biodiversity. However, the Council's Ecologist is concerned that the baseline conditions for the assessment do not accurately reflect the condition of the site and as such, the development could result in a net loss of biodiversity. The disagreement is borne out of the fact that the site, although agricultural land, has not been intensively used and as such its condition has improved for biodiversity. However, it should be noted that the site is agricultural and, and it could be grazed by cattle or ploughed at any time reducing significantly the baseline value of the site, and therefore on balance, a reasonable and flexible approach to assessing the baseline condition should be taken. It should also be considered that the site is not large, and it is well established that securing no net loss of biodiversity on smaller sites that do not benefit from economies of scale can be challenging.

The scheme has been designed to mitigate impact on biodiversity on site through the creation of green spaces and corridors and it is considered that with the use of planning conditions to secure appropriate landscaping and management and the submission of a scheme to deliver bird and bat boxes and tree planting, the net loss of biodiversity on site would be more limited. The level of habitat loss the Council's Ecologist expects from the baseline conditions for the site as it currently stands is 46%. This aspect of the proposal would therefore not strictly accord with Policy CS13 and the NPPF. However, this is a harm that needs to be accounted for in the planning balance below having regard for paragraph 11d of the NPPF and the acute need to deliver housing.

Drainage

Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does 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 it.

The site lies within flood zone 1 where the risk of flooding is generally low. The application includes a drainage strategy to ensure that drainage problems are not created in the surrounding area. The strategy suggests that surface water would be collected within a detention basin at the lowest part of the site and discharged at a controlled rate into an onsite ditch. This rate would be equivalent or less than greenfield run off rate.

The Lead Local Flood Authority does not object to the submitted drainage strategy although it does suggest a number of planning conditions.

Accordingly, it is considered that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result, it would comply with policy CS16.

Objections have been raised in respect of existing surface water flooding that occurs within the locality. Residents have also raised concerns that the existing combined sewer is poorly maintained and is not able to cope with existing flows. The applicant has provided confirmation from Severn Trent Water that there is capacity in the system

as well as models of the two phases together to show that the system can take the additional development. It also contains further details about the recent incident which residents and the Parish Council are referring to which was in fact a third-party tanker illegally disposing into the drainage system. This has been reported to the Environment Agency and no further incidents have occurred.

The application is therefore considered to accord with policy CS16 in respect of drainage subject to planning conditions to secure implementation and maintenance of the drainage scheme, in the event that planning permission is granted.

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. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate to the impact of the proposals. The following contributions have been requested:

Education	<ul style="list-style-type: none"> • Seeks contributions of £128,492.00 towards remodelling and improving capacity at Christ Church & Saint Peter's C of E Primary School. • Seeks contributions of £181,180.00 towards remodelling and improving capacity at Rawlins Academy.
Libraries	<ul style="list-style-type: none"> • Seeks a £1,510.00 towards library facilities at Mountsorrel Library.
Open Space	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space • An on-site natural and semi open space • An on-site amenity green space • £13,333 towards enhancement of nearby the LEAP facility • £47,700 contribution towards new or enhanced young people’s provision within the adjacent Cufflins Park development or other nearby provision. • £16,469.00 contribution towards off-site outdoor sports facilities • £5,646.00 contribution towards off-site provision or enhancement of allotment facilities in Mountsorrel. • An indoor sports contribution to consist of £22,709.00 towards swimming pool facilities, £21,943.00 towards indoor court facilities and £3,240.00 towards indoor bowls rink facilities

Affordable Housing	<ul style="list-style-type: none"> • 30% affordable housing on the site with 77% for rent and 23% for shared ownership.
NHS	<ul style="list-style-type: none"> • £25,315.62 towards providing additional clinical accommodation at Alpine House and Charnwood Surgery in order to meet the needs of the additional residents.
Highways	Seeks the following contributions: <ul style="list-style-type: none"> • Travel pack for the first occupation of each new dwelling • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Leicestershire County Council Waste Services	<ul style="list-style-type: none"> • Seeks a £2,584.00 contribution towards the enhancement of Mountsorrel Waste and Recycling Centre.

These contributions (with the exception of indoor sport) and delivery of on-site open space 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.

The Parish Council has requested that the percentage of affordable housing be reduced from 30% to 15% with any financial saving made by the developer be redirected towards the Parish Council's funding gap in delivering the adjacent sports and open space facility, Cufflins Park. It is not considered that any such request and redirection of funding would be CIL compliant as it would result in the over/under provision of funding contrary to the aims of both policies CS3 and CS15. Furthermore, the funding requested or used should meet the needs of the new development. An inflated amount cannot be requested on account of a funding shortfall that has not arisen out of a consequence of the proposed development nor can contributions required by one policy area be redirected to another. There is also a recognised shortfall in housing at the current time, including affordable housing. A reduction in the provision as requested by the Parish Council would not be justified this basis.

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.

The application would contribute 50 dwellings to the Council's Housing Land Supply, including 30% affordable housing. Without a 5-year housing land supply this should be attributed significant positive weight.

The development would support jobs and the local economy, during construction and with lasting benefits of expenditure and employment of residents. This should be given limited positive weight.

The proposed green infrastructure, which includes open spaces would contribute to the health and well-being of existing and new residents. This should be given limited positive weight.

Negatively, the proposal would result in loss of countryside and agricultural land, and the impact on ecology would attract negative weight being in conflict with policies CS1, CT1, ST/2 and CS13 of the Core Strategy. However, it should be noted that these policies, with the exception of CS13 do not attract full weight in the planning balance having regard for paragraph 11d of the Framework.

It is therefore concluded that the adverse impacts of granting planning permission would not significantly outweigh the benefits that the scheme would offer at a time whereby the council is not able to demonstrate a five year supply of housing land and Policy CS1 of Core Strategy is considered to be out of date. The proposal would therefore constitute sustainable development as defined by paragraph 8 of the NPPF.

The application is therefore recommended for approval subject to conditions.

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	<p>£128,492.00 towards remodelling and improving capacity at Christ Church & Saint Peter's C of E Primary School.</p> <p>£181,180.00 towards remodelling and improving capacity at Rawlins Academy.</p>
Libraries	Seeks a £1,510.00 towards library facilities at Mountsorrel Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space • An on-site natural and semi open space • An on-site amenity green space • £13,333 towards enhancement of nearby the LEAP facility • £47,700 contribution towards new or enhanced young people's provision within the adjacent Cufflins Park development or other nearby provision. • £16,469.00 contribution towards off-site outdoor sports facilities • £5,646.00 contribution towards off-site provision or enhancement of allotment facilities in Mountsorrel.

Affordable Housing	30% affordable housing on the site with 77% for rent and 23% for shared ownership.
NHS	£25,315.62 towards providing additional clinical accommodation at Alpine House and Charnwood Surgery in order to meet the needs of the additional residents.
Highways	Seeks the following contributions: <ul style="list-style-type: none"> • Travel pack for the first occupation of each new dwelling • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Leicestershire County Council Waste Services	Seeks a £2,584.00 contribution towards the enhancement of Mountsorrel Waste and Recycling Centre.

RECOMMENDATION B

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</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.	<p>The development hereby permitted shall be carried out and the use operated only in accordance with the details and specifications included in the submitted application and as shown on the drawings below:</p> <p>Approved Drawings: MTS/P2/SPM/01 Rev. I MTS/P2/SPM/03 MTS/P2/SPM/02 Rev. A 0005 Rev. P04 D504 JH3D04 JA3S01 JA3S06 JH2S03 JH3S06 JH3D10 JH3D11 JH3S02 JH3D13 JH3S01 JH3D08 JH4D04 JH4D05</p>

	<p>JH4D06 JH5D02</p> <p>REASON: For clarity and the avoidance of doubt and to define the terms of the permission</p>
3.	<p>Prior to built development commencing a schedule of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To ensure the satisfactory appearance of the development</p>
4.	<p>No development, including site works, 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 (including areas for bin presentation) vi) functional services above and below ground; and vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policy CS2 and CS13</p>
5.	<p>The landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting and seeding seasons following completion of the approved 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.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory, to mitigate the impacts on biodiversity and to help assimilate the development into its surroundings in accordance with Policy CS2 and CS13 of the Core Strategy.</p>
6.	<p>No development, including site works, shall begin until the trees to be retained within or adjacent 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</p>

	protected while building works take place on the site in accordance with policies CS2, CS11 and CS13
7.	<p>No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic 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>
8.	<p>Notwithstanding what is shown on the approved plans, within three months of commencement of development, exact details of the location, scale, appearance and material of all boundary treatments and fencing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and completed prior to the occupation of any dwelling and maintained thereafter in the approved form.</p> <p>REASON: To ensure the satisfactory appearance of the development and to protect the amenity of existing and future residents in accordance with policy CS2</p>
9.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing PRJ01-TTE-00-ZZ-DR-S-0005 P04 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 (2021).</p>
10.	<p>No individual unit hereby permitted shall be occupied until such time as the parking and turning facilities for that unit have been implemented in accordance with Drawing MTS/P2/SPM/01 Rev I. 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 site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>
11.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73.0 metres have been provided at the site access in accordance with Drawing PRJ01-TTE-00-ZZ-DR-S-0005 P04. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the</p>

	interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).
12.	<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 the existing vehicular access on Halstead Road that will become redundant as a result of this proposal has 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 (2021).</p>
13.	<p>Notwithstanding Drawing MTS/P2/SPM/01 Rev IH, no part of the development shall be occupied until such time as details of vertical speed features have been submitted to and agreed in writing by the local Planning Authority. Thereafter, the agreed scheme shall be implemented in full prior to first occupation of any dwelling.</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 (2021).</p>
14.	<p>No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> • Details of construction vehicle parking • Details of wheel washing facilities • Details of construction traffic routeing • Hours of operation for construction and delivery of materials <p>The development shall be carried out in accordance with the approved details for the duration of the construction period.</p> <p>REASON: To ensure that the development does not cause harm to amenity or the environment during the construction phase and ensure compliance with Development Plan policies CS2, CS16 and WV5.</p>
15.	<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.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
16.	<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.</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</p>

	phase.
17.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.</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>
18.	<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 Aspect Ecology dated December 2020 (Section 6: Proposed Mitigation and Enhancement Measures). 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</p>
19.	<p>The development hereby permitted shall be carried out in accordance with the noise mitigation measures detailed in Section 6.1 of the submitted Acoustic Report prepared by White Young Green.</p> <p>REASON: to ensure internal noise level criteria can be achieved across the site having regard for the future occupiers of the development and in accordance with policy CS2 of the Core 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 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. 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.

