

## Appendix B

### Application Reference Number P/20/2349/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	15.12.2020
<b>Applicant:</b>	Davidson Developments Limited		
<b>Proposal:</b>	Application for Outline planning permission for residential development for up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access: and the demolition of number 65 Glebe Road Queniborough to facilitate the development of an emergency access (Outline access only to be considered).		
<b>Location:</b>	Land off Boonton Meadow Way, including No. 65 Glebe Road, Queniborough		
<b>Parish:</b>	Queniborough	<b>Ward:</b>	Queniborough
<b>Case Officer:</b>	Ann Scott	<b>Tel No:</b>	07592104635

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### Background

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

### Description of the Application Site

The application site is presently agricultural pastureland and covers an area of 2.07 hectares. The site access is through an existing residential area off Boonton Meadows Way and an emergency access is proposed following the demolition of 65 Glebe Road.

The site is situated in Flood Zone 1 as defined on the Environment Agency Flood Map for Planning. The site is also not shown as being within an area at risk of flooding from surface water. There are presently no public rights of way associated with the application site.

The site lies outside but adjacent to the development limits for Queniborough. To the north east of the application site are existing residential properties fronting Main Street, Queniborough. To the north west is the newly constructed housing development off Barkby Road, with the Rugby club and other sports clubs to the south-west. Immediately adjacent to the south-west boundary is Syston Rugby, Cricket and Tennis club.

Queniborough Conservation Area is located immediately adjacent to the northern end of the application site, to the north-east. Other heritage assets within the vicinity including a number of listed buildings, the closest of which are situated approximately 100 metres from the north-east boundary at 25 Main Street which is Grade II listed. In addition, there are Grade II Listed Buildings at 22-28 Main Street and 38 to 40 Main Street.

## **Description of the Proposal**

This outline application seeks consent for the erection of up to 50 dwellings (Class C3) with associated access, landscaping, open space and drainage infrastructure at land Boonton Meadows Way. All matters are reserved except for an emergency access proposed to Glebe Road following the demolition of number 65 Glebe Road and a main vehicle access onto Boonton Meadow Way housing development.

The indicative plans show the retention of the existing boundary treatment on the North, West and Southern boundaries of the site. This boundary treatment is hedging primarily interspersed with some trees.

Whilst only indicative, the submitted layout makes provision for surface water attenuation, and indicative landscaped areas. Whilst the layout of the site is only indicative at this stage it demonstrates how a development could be brought forward with dwellings arranged around the site in a curved estate road pattern with 'T' turning cul-de-sac arrangements and off those, smaller informal vehicular accesses to serve properties.

The application has been submitted with the following supporting documents;

- Site location plan 400\_Rev B
- Indicative layout drawing SK001 Phase 3 Sketch Layout
- Drainage details E100-70-01 Rev C
- Topographical survey drawing S4203-01 (site) and S4203-02 (emergency access)
- Tree Survey
- Landscaping Emergency Access GL1323 13
- Ecological Impact Assessment P2047/1120/02 V4
- Habitat plan Revision 4
- Landscape and visual impact assessment
- Heritage statement and heritage mitigation
- Design and access statement
- Transport Statement 2001570-01 Rev A
- Noise Screening Letter
- Design Parameters Plan - n1353 - 101

## **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Adopted Development Plan for the area comprises the Charnwood Local Plan 2011-2028 Core Strategy, the saved policies of the Charnwood Borough Local Plan 1999-2006 and the Queniborough Neighbourhood Plan (June 2021)

The most relevant policies of the Development Plan are listed below;

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. Within the settlement hierarchy. Queniborough is an “other” settlement as defined in policy CS1. Which meet the social and economic need for development in other settlements.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials, and access, and protect the amenity of people who live or work nearby.

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

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

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

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

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

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

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

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

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

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

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.

### Queniborough Neighbourhood Plan (Made 10<sup>th</sup> June 2021)

Policy Q1 Parking – New development should ensure satisfactory parking provision.

Policy Q2 – Green spaces seeks to protect identified green spaces from development that would harm its character.

Policy Q3 – Community services and facilities. Seeks to ensure development does not involve the loss of community services and facilities.

Policy Q4 – Sport and Recreation – Supports provision for open space and facilities for young people.

Policy Q6 - Countryside and landscape – supports and protects the character of the landscape and countryside outside the development limits applying policy CS11 of the Charnwood Local Plan.

Policy Q8 – Ecology and Biodiversity – Seeks to avoid development which results in harm to biodiversity where it cannot be avoided, mitigated or at last resort compensated for.

Policy Q9 - Infill Housing – supports housing development within development limits where they meet other policies of the Neighbourhood plan.

Policy Q12 Housing Mix – requires applications on rural exception sites of five or more dwellings to demonstrate how proposals meet housing needs.

Policy Q13 – Non designated heritage assets – requires development affecting non designated heritage assets to balance the need or public benefit of the proposal against the significance of the non-designated heritage asset.

Policy Q14 - Design – supports residential development that reflects the distinctive and traditional character of Queniborough.

### **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 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 National Planning Policy Framework as a whole.

The NPPF policy guidance of 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 68). 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).

As the Borough of Charnwood Local Plan pre-dates, the NPPF 2021, paragraph 219 indicates that due weight should be given to relevant policies according to their consistency with the National Planning Policy Framework. These policies are broadly consistent with the aims to the NPPF and, as such, should be given significant weight.

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demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

#### 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). 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.

Paragraph 126 seeks to ensure the creation of high quality, beautiful and sustainable buildings, and places. Good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Being clear on design expectations and how these will be tested is essential for achieving this. So too is effective engagement between applicants, communities, and other interests throughout the process.

#### Section 14: Meeting the challenge of climate change, flooding, and coastal change

New development should be planned for in ways that avoid increased vulnerability to the range of impacts from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure (paragraph 154).

#### Section 16: Conserving and enhancing the historic environment

Paragraphs 190-196 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation.

### Planning Practice Guidance

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

### National Design Guide

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

### National Modal Design Code

Provides detailed guidance and promotes successful design and expands on the 10 characteristics of the National Design Guide.

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

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

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

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

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

This Supplementary Planning Document provides guidance on affordable housing, housing mix, houses in multiple occupation and purpose built and campus student accommodation to support Core Strategy Policy CS3.

### Design Supplementary Planning Document (January 2020)

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

### Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-streetcar parking required to be provided in new housing development.

### Landscape Character Appraisal (July 2012):

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape

character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

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

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

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

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

#### Equality Act 2010

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

#### The Draft Charnwood Local Plan 2021-37

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.

#### Queniborough Conservation Area Character Appraisal (June 2011)

This document sets out to how the Queniborough Conservation Area is an area in which its character or appearance is of special architectural or historic interest has been chosen to be preserved or enhanced. The appraisal is then used to inform the consideration of management and development proposals within the Area.

### **Consultation Responses**



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

Consultee	Response
Queniborough Parish Council	<p>The Queniborough Neighbourhood plan is 'Made'. The Parish Council wish to emphasise that this proposed development is not supported by either the Neighbourhood Plan or the pre-submission Local Plan. In addition, the Neighbourhood Plan is less than two years-old and allocates a site for future housing at Queniborough Lodge (HA4).</p> <p>Queniborough Parish Council is aware that the Planning Authority only has to demonstrate 3 years housing supply. Queniborough has already taken substantial housing growth at The Millstones and Barley Fields as well as catering for further development within its Neighbourhood Plan. The Parish Council believes that any acceptance of this current application is therefore completely untenable. The site is an unallocated greenfield site. The Parish ask the Planning Authority to reject the application on these grounds.</p>
Severn Trent Water	Do not object to the application
Leicestershire County Council Minerals Authority	It is recognised that the application site lies within Sand/Gravel and Gypsum Mineral Consultation Areas, however, given the proximity of existing residential development any potential mineral resource is unlikely to be workable to reasonable constraints. Accordingly LCC as Minerals Authority raise no objection against the proposed development from a mineral safeguarding perspective.
Environment Agency	No objections to the application.
Leicestershire County Council – Planning obligations	<p>Education contribution. – Confirms there is overall surplus in the sector and therefore no education contributions are required.</p> <p>Library contribution – £1,510 for library facilities at East Goscote</p> <p>Civic amenity contribution - £2,584.00</p>
Charnwood Borough Council Housing	In accordance with Planning Policy CS3, the applicant is required to provide 40% affordable homes across the site. Based on 50 homes this results in 20 affordable homes. The tenure split proposed does not accord with the Councils SPD.
Leicestershire County Council Highways	The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively

	with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations.
CBC Environmental Health (contamination)	No objections to the proposal in principle but suggests conditions in relation to contamination investigation and mitigation where required.
Lead local flood authority	Leicestershire County Council as Lead Local Flood Authority has raised no objections and considered the proposal acceptable subject to the inclusion of planning conditions
Charnwood Open Space	<p>The development proposals are required to meet Core Strategy Policy (CS 15) standards for open space, sport and recreation. Development proposals need to set out how these standards will be met on site, or alternatively off site, through provision of a financial contribution for new or enhancement of existing facilities to meet development need. The ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity.</p> <p>Off site contribution for young people of £47,700  Outdoor Sports £26,469  Allotments £5,646</p> <p>Indoor Sport - The Sport England Facility Calculator estimates that the development generates demand for - 7 additional pool visits per week (this equates to an additional 1.21 sq m pool space at a cost of £22,709), 0.03 indoor courts (at a cost of £21,943) and 0.01 Indoor Bowls Rinks (at a cost of £3,240).</p>
Leicestershire Police	<p>Raise no objection to the proposal but have made the following recommendations in relation to design advice for</p> <ul style="list-style-type: none"> <li>• Street lighting,</li> <li>• Fencing</li> <li>• Key access points</li> <li>• Natural surveillance</li> <li>• Parking</li> <li>• Secured by design principles</li> <li>• Security alarms</li> <li>• Electrical spurs at vehicle entry points</li> </ul>

## Other Comments Received

34 letters of comment/objection have been received from local residents. Comments/Objections raised are summarised as follows:

- impact on the character of the area
- adverse impact on biodiversity
- antisocial behaviour because of the proposed new access route
- impact on the local road network from traffic generation
- emergency access should be gated off
- Glebe Road is already narrow, and it would be difficult to get emergency vehicles down it.
- add pressure to local infrastructure which is already at capacity
- congestion
- the existing site at Barley Fields has not yet been completed.
- Access is proposed in a quiet cul-de-sac
- Impact on residential amenity
- Highway safety potential for speeding traffic/danger to children/pedestrians from the additional traffic generation.
- Additional landscaping is required to the proposed footpath if the development is accepted.
- No objections to the proposed housing but consider the additional emergency access should only be a footpath through to Glebe Road from the site.
- Negative impact on the design of the existing estate
- Loss of privacy
- Noise and disturbance
- Building in the countryside
- Overbearing impact from the new development
- School is already at capacity
- concerns that the infrastructure of this estate is woefully insufficient to support these extra homes.
- There is a lack of traffic calming measures on existing roads in the area.
- The proposal would be detrimental to the local community.
- The Queniborough Neighbourhood plan has a defined limit for development and this site is not within it. It does not meet the exemption criteria.
- There are limited retail outlets in the village and people will have to use their car to go into Syston for shopping.
- Why is Queniborough being singled out to take up all of Charnwood's shortfall for new housing?
- The demolition of a perfectly serviceable dwelling 65 Glebe Road is not acceptable the dwellings are very sought after and an asset to the community.
- Pedestrian access to adjoining fields would be useful so residents can use the development to get easier access to the village amenities.
- Roads, footways are already congested causing problems for parents with pushchairs/wheelchair and mobility scooter users.
- Do we really need a further 50 houses in the village?
- Will there be an alternative route out of this development?

- Proposal not sustainable development.
- The plan to turn a cul-de-sac into an emergency access route to accommodate the new estate is just not feasible.

Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

## **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 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 and the Queniborough Neighbourhood Plan. It is acknowledged that with the exception of the neighbourhood plan, 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. Except for those policies which relate to the supply of housing, the relevant policies listed above are considered to be up to date and comply 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 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 ii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

The main issues are considered to be:

- The Principle of Development
- Housing Mix
- Open Space
- Heritage
- Landscape and visual impact
- Impact on Residential Amenity
- Highway Matters
- Flooding and drainage
- Ecology and biodiversity
- Infrastructure/S106 Contributions

## **The Principle of the Development**

The application is located outside but adjacent to the limits for development for development for Queniborough, as defined by “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Queniborough is identified as an “other settlement”, where small scale development will be supported within the defined development limits. Policy Q9 of the Queniborough Neighbourhood Plan supports housing development within development limits where they meet other policies of the Neighbourhood plan. Policy Q6 of the Queniborough Neighbourhood Plan supports and protects the character of the landscape and countryside outside the development limits and Policy Q12 of the Queniborough Neighbourhood Plan requires applications on rural exception sites of five or more dwellings to demonstrate how proposals meet housing needs. These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5-year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Paragraph 14 of the National Planning Policy Framework applies in situations where the presumption at paragraph 11d applies. It advises that where applications involving the provision of housing, that conflict with the neighbourhood plan, the adverse impact of allowing development is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision was made.
- b) The neighbourhood plan contains policies and allocations to meet its identified housing requirement
- c) The LPA has at least a three year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer set out in paragraph 74; and
- d) The local planning authority’s housing delivery was at least 45% of that required over the previous three years.

Whilst there is a Neighbourhood plan that is ‘made’ for Queniborough and is less than two years old, the plan does not identify a local housing requirement within policy. As such, it fails to fulfil criteria of para 14(b) as it does not contain policies and allocations which meet its identified housing requirement. Therefore, any contradiction with policies relating to the provision of housing is unlikely to be considered as a significant and demonstrable harm sufficient to outweigh identified benefits. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

Within this assessment, it should be recognised the proposal would result in the provision of up to 50 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However, given the 5-year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development plan's spatial strategy set out in policies CS1, CT/1, CT/2, ST/2 and Q9, which seeks to direct growth away from smaller settlements and within settlement limits, it is not considered this would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

### **Housing Mix**

Policy CS3 and Q12 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 50 units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of policy CS3 relating to how these units should be provided.

These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

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

The tenure for affordable housing is proposed in the application form to be 50% affordable rent and 50% shared ownership, this conflicts with the Council's Housing Supplementary Planning Document which requires 77% affordable rent and 23% shared ownership. The applicant has amended the tenure to conform with the SPD requirements and would be secured through the s.106 agreement.

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

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

2 bed	25-35%
3 bed	45-55%
4+ bed	10-20%

It is suggested that a size, mix and profile to reflect this could be accommodated on site. Locally identified need and the character of the area could be achieved although care would need to be taken, (as per Policy CS3 and Q12), to ensure the character of this edge of village location was not harmed by this.

With regards to housing mix, it is considered that a proposal which complies with policy CS3 and Q12 could be achieved. The provision of 20 affordable units is also a significant benefit of the scheme which should be given weight within the planning balance.

### **Open Space**

Policy CS15 Open Spaces, Sports and recreation, seeks to meet the strategic needs of the community by 2028 and seeks to ensure new development meets the standards in the open space strategy. Where provision cannot be met on site contributions can be sought for off-site provision. Neighbourhood Plan Policy Q2 relates to Green Spaces and recognizes that there is existing sports provision within the Village including the adjacent Syston, Rugby, Cricket and Tennis Field.

The site does not propose any formal open space provision, however there will be incidental open space areas and SUDs features within the application site. Given the size of the site and its close proximity of existing play and sports facilities, it is considered off site contributions are more appropriate and would mitigate the impact of the proposal in accordance with Policy CS15. Charnwood open space advise that they have no objections to the proposed application, subject to a number of off-site contributions towards young people provision, outdoor sports facilities, allotments and indoor sport.

Whilst it is recognised that formal open space provision will not be provided within the site, it is considered that the development would provide a contribution towards open space proportionate to its size and needs of future residents and accordingly the proposal is considered to accord with Policies CS15 of the Charnwood Local Plan and Q2 of the Queniborough Neighbourhood Plan.

### **Impact on Heritage Assets**

When considering a development proposal within a conservation area or within the setting of a listed building, sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the asset and Paragraphs 199-202 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation.

Policy CS14 Heritage seeks to ensure that the historic environment is conserved and enhanced for their own sake and requires developments to protect their assets and

the setting. Policy Q13 of the Queniborough Neighbourhood Plan relates to non-designated heritage assets. Some are located on Main Street and include a telephone kiosk, and number 8 Main Street. These non-designated heritage assets are not considered to be affected by the proposed development.

There are several designated heritage assets within the vicinity of the site that the proposal could potentially impact upon, including the listed buildings along Main Street, St Mary's Church and the Queniborough Conservation Area.

Paragraph 194 of the National Planning Policy Framework requires that the applicant is required to describe the significance of any heritage assets affected including any contribution made by their setting. The application is accompanied by a design and access statement which identifies the nearby heritage assets

Paragraph 195 of the National Planning Policy Framework requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected including by development affecting the setting of a heritage asset. The application is accompanied by a Heritage Statement which assesses the significance of the heritage assets and how they may be affected by the development proposal.

The listed buildings closest to the site are located along either side of Main Street and extend partially along the linear burgage plots running back from the street. Together these provide a predominant mediaeval plan form to the village, which is evident in the wider landscape. The buildings and boundary treatments obscure views towards the application site. The setting of the listed heritage assets, in particular 25 Main Street, and the development proposal have no distinct visual relationship due to the intervention of other built development and the distance to the edge of the application site, which is at the nearest point approximately 100 metres. The interrelationship between these listed buildings and the site is very limited and therefore it is the wider landscape setting of these listed buildings that is likely to be impacted upon. The spire of St Mary's Church dominates the skyline but is some distance from the site and any adverse impact from the development is likely to be minimal.

The heritage asset significantly affected by the development is the Queniborough Conservation Area and its setting. The site is located immediately adjacent to the conservation area boundary at its north western edge. The Queniborough Conservation Area Appraisal states that the Conservation Area incorporates the whole of the village as it was from mediaeval times up until the end of the 19<sup>th</sup> Century. During the 13<sup>th</sup> Century the burgage plots for homesteads and farmsteads established a regular pattern of narrow strips of land. The early Mediaeval village was a parish of open agricultural fields. By the 18<sup>th</sup> Century this changed due to the pressure to change the economic system and in 1793 the Enclosure Act of Parliament for Queniborough was passed. Following enclosure only a few farms were built beyond the village. This historic pattern of land is still evident today.

The proposal has the potential to impact on the setting of the Conservation Area, particularly in views from Ridgemere Lane and from the public footpaths leading towards the village from the Lane, as well as from the footpath on the edge of the village.



The Council's Heritage Officer has considered the proposal in full. It is recognised that there would be both private and public views of the site from the conservation area, however these would be limited. The Heritage Officer considers the development of the land would result in an erosion of the heritage significance of the wider setting of the Conservation Area, by virtue of a visual intrusion in to the mediaeval setting, created by the distinctive built form, historic burgage plots and their connection to the agricultural land. The introduction of suburban/urban development on the mediaeval village plan would be harmful to the significance of the setting of the conservation area. The Queniborough Conservation Area Appraisal published in 2010, recognises these characteristics and that the Conservation Area itself is mostly untouched by 20th Century development with the exception of limited infill development.

It is considered that overall the harm to the heritage significance of the designated heritage assets would be less than substantial but still considerable. This harm needs to be given considerable importance and weight, and this must be weighed against the economic, social and environmental roles of the development in accordance with para 202 of the National Planning Policy Framework.

Potential harm could be significantly mitigated by careful consideration of the context of the site in relation to the design, scale and layout of the proposed dwellings to be put forward in a "reserved matters" application and from a suitable landscaping scheme to integrate the development into this distinctive landscape setting. A parameter plan which identifies this mitigation has been submitted and suitable planning conditions are suggested to ensure that going forwards the proposed reserved matters application would provide for a varied and articulated roofscape, and the use of native planting and large tree species to soften the impact of the development, reducing the harm to the setting of the designated heritage assets

These proposed measures have the potential to mitigate the harm to the setting of the designated heritage assets. It is considered that this harm would still be less than substantial but significantly reduced. On balance it is considered that there are no adverse impacts which would outweigh the benefits for planning permission to be refused. It is considered that the proposed development can accord with the aims and objectives of Policies CS14 and Q13.

### Landscape and visual impact

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. Policy Q6 of the Queniborough Neighbourhood Plan seeks to support and protect the character of the landscape and countryside by applying the requirements of Policy CS11. Policy Q14 seeks to ensure that residential development is in keeping with the character of its surroundings and takes account of topography and landscape features. These policies generally accord with the National Planning Policy Framework, and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

There are no specific landscape designations for the site. The site is located within the Wreake Valley Landscape Character area which is a mixed area of arable and pasture farming.

Views will be available towards the site from the within the village and conservation area. The historic pattern of the fields in the locality are a connection to the agricultural land beyond the introduction of suburban/urban development. The indicative layout lends itself more to the adjacent layout of the Boonton Meadows Way development with its contemporary street pattern and suburban layout. Whilst this may not be in keeping with the historic core of the settlement of Queniborough and its Conservation Area, later development has set a precedent for newer more contemporary development patterns in the locality.

The Borough Council's Senior Landscape Officer has considered the submission documents for this proposal for new housing on the site and considers the proposal will impact on the landscape character and visual appearance of the area, causing some adverse harm to the immediate landscape. Whilst it is recognised that all new development would have some impact on the immediate landscape character, it is considered that the current application does not fully mitigate this visual impact. However, it should be recognised that this is an outline application and the provision of new additional landscaping could help mitigate its landscape impacts.

Whilst it is accepted that the site would extend outside the defined development limits, the area to be lost would be limited only to that between the built edge of Queniborough, the sports pitches and the adjacent Boonton Meadows Way housing development. Overall it is considered the proposal is acceptable in principle in relation to landscape and visual impact because it relates well to the adjacent market housing and the settlement of Queniborough. Although there would be some impact on the character of the edge of open countryside and landscape, this impact would not be so significant or demonstrable as to outweigh the benefits of providing the additional housing. If approved, it is recommended that further details in relation to mitigation for landscape and visual impact are secured by planning conditions.

In conclusion it is considered the impact on landscape and visual impact can be mitigated to some extent by the design, scale and layout of the proposed dwellings to be put forward in a "reserved matters" application and from a suitable landscaping scheme to integrate the development into the locality. Accordingly, whilst it is recognised the development does not fully accord with policies CS11 and Q6 of the Development Plan, there is likely the development could accord with the aims and objectives of Policies CS2, EV/1 and Q14. Accordingly, whilst there would be some impact on the character of the edge of open countryside and landscape and harm would be caused by the non-compliance with the policies identified, these impacts would not be so significant or demonstrable as to outweigh the benefits of providing much needed additional housing within the Borough. The harm identified would however fall to be considered within the overall planning balance.

### **Impact on Residential Amenity**

Policy CS2, EV/1 and Q14 of the Development Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides

spacing standards and guidance to ensure an adequate level of amenity.

The amenities of the future occupiers of the development and its surroundings would be a consideration in the assessment of a future reserved matters application for the development if outline planning permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard and which could maintain a suitable level of amenity for future and existing residents.

The application does include the detailed provision of an emergency access to the site this would be facilitated by the demolition of 65 Glebe Road (a detached dwelling). There are no objections in principle to the emergency access from the Highway Authority. There have been comments from nearby third parties with regard to noise and disturbance from the proposed access. Details of the emergency access has been submitted and show the emergency access to be blocked with collapsible bollards which will stop the use of the access by residents of the developments. It is considered that any impact on the amenities of nearby occupiers from the potential use of the access will be mitigated by its restricted use for emergency responder vehicles only. Accordingly, it is not considered the provision of this emergency access would result in an unacceptable level of noise and disturbance from vehicular traffic which would warrant the refusal of planning permission.

In terms of the residential amenities of the wider site and those of existing and future residents going forwards, due to the location of the site in close proximity to the nearby Syston, Rugby, Cricket and Tennis Club further details will be required by a planning condition to secure a ball strike report to inform the “reserved matters” Design and Boundary treatments.

For the reasons set out above, it is considered the proposal could, following careful design, comply with the provisions of policies CS2, EV/1 and Q14 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

### **Highway Safety**

Policies CS2, CS18, TR/18 and Q1 of the Development Plan seeks to ensure safe access is provided to new development and appropriate parking is provided. Policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them

Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

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

## Background

*The Local Highway Authority (LHA) has been consulted on an outline planning application for the erection of up to 50 no. dwellings, with associated landscaping, open space, drainage infrastructure and access; and the demolition of No. 65 Glebe Road, Queniborough to facilitate the development of an emergency access.*

*The application site is Land off Boonton Meadow Way including No. 65 Glebe Road Queniborough. In its previous comments dated 12 February 2021, the LHA requested for a Stage 1 Road Safety Audit (RSA) and accompanying designer's response submitted in support of this planning application. The LHA also noticed that the trip generation figures were inaccurate as the Applicant had used the vehicle trip rates as opposed to the person trip rates.*

*The LHA advised these should be recalculated based on the person trip rates and Table 5.1 corrected, and that Table 5.2 should then also be updated as the modal split will also be incorrect. Road Safety Audit. The LHA are now in receipt of a Stage 1 RSA Report undertaken by M&S Traffic dated 4th March 2021 and a Designer's Response dated March 2021 in addition to updated Trip Rates.*

*Two problems were identified as a result of the RSA which are summarised below. Problem 3.1.1 Location: Proposed tie-in on alignment.*

*Summary: Proposed tie-in could lead to loss of control collisions. Recommendation It is recommended that the materials used in the carriageway construction should be of a consistent Polished Stone Value to those used along the length of the existing carriageway.*

## Designer's Response

*The Designer's Response accepts the recommendation and states this particular concern raised relates to the surface material used for the proposed access road and tie into the existing carriageway. It also sets out that construction details will be provided at the detailed design stage, considering the issues raised within the RSA. These will be made available for assessment at the Stage 2 Audit.*

*The LHA consider the above response to be acceptable. Problem 3.2.1 Location: Bend on proposed alignment. Summary: Vehicles entering the opposing carriageway at bend may lead to collisions with parked vehicles, side swipe collisions or vehicle to pedestrian collisions. Recommendation It is recommended that the carriageway widths should be sufficient to ensure that all expected movements can be safely accommodated, where swept paths should be supplied for assessment. Designer's Response.*

*The proposed internal site access road measures 5.5 metres wide and includes 0.6 metres widening around the initial bend as per Table DG6 of the Leicestershire Highway Design Guide. Nevertheless, Drawing Number 2001570-004 has been produced to include swept path analysis along the site access road itself. This demonstrates how a large refuse vehicle can enter the site and travel along the internal access road whilst passing a large car without conflict or overhanging of the footway.*

*As part of the detailed design stage, the internal layout shall be reviewed and assessed to ensure that the highway is designed in accordance with current local guidance and is suitable to accommodate vehicular manoeuvrability safely throughout. The LHA are satisfied that a refuse vehicle can enter and exit the site in a forward gear and manoeuvre around the site without conflict.*

### *Trip Generation*

*The Applicant has now corrected the trip generation. Notwithstanding this, they have used vehicular trip rates rather than the preferred person trip rates. Nevertheless, the LHA considers the above trip rates to be acceptable and notes that the development is proposed to generate 31 two-way vehicular trips in the AM and PM peak hours. The LHA therefore considered there is no requirement for any off-site junction capacity assessments other than the wider site access (Barkby Road junction with Boonton Meadow Way). The LHA advised the applicant that this junction should be assessed in PICADY, so it can be demonstrated it would operate under capacity with the additional trips generated.*

*The site access capacity has therefore been assessed as set out in the table below, which summarises the results of a PICADY model of the Barkby Road/Boonton Meadow Way T-junction. The LHA has checked the model, which is acceptable. Therefore, based on the above results, the LHA is content that the junction would operate well within acceptable limits of capacity at the 2026 Design Year with the proposed development in place, with all RFC values well below the 0.85 threshold of practical capacity where congestion may begin to occur. The LHA are therefore satisfied there is no further assessment required.*

*Emergency Access Further to a review of the letter from the Police Architectural Liaison Officer dated 10th February 2021 and drawing Emergency Vehicle Swept Path Analysis drawing no. 2001570-003 Rev C the LHA have the following comments:*

- Any necessary works regarding the dropped kerbs and vehicular crossover at Glebe Road end can be carried out under a S184 application and will need to conform to LHDG; and*
- The extension to the dropped kerbs and vehicular crossover at Daisy Close will require permission from the landowner / Developer as this site hasn't been adopted as of yet. Please note that this should conform to LHDG to avoid future adoptability issues. The emergency access should conform with paragraphs 3.18 & 3.19 of Part 3 of the LHDG. The Applicant should note that the LHA will not adopt the emergency access itself in any event".*

Details of the emergency access has been submitted and show the emergency access to be blocked with collapsible bollards which will stop the use of the access by residents of the developments.

There are no concerns raised by the Local Highway Authority. Queniborough is a sustainable location with access to regular bus services. The impacts of development on highway safety and the local road network would not be severe. Based on the information provided the development does not conflict with paragraph 111 of the

National Planning Policy Framework 2021, Policy Q1, CS18, and CS1 of the Development Plan subject to planning conditions.

### **Flooding and Drainage**

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy. There are no objections to the proposal from the Lead Local Flood Authority.

The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. Details of how the site will be drained would be submitted in more detail at the Reserved Matters Stage but a drainage strategy has been submitted for indicative information as drainage remains a matter for a later application. No objections have been received from the Environment Agency or Severn Trent Water Authority to the proposed drainage information and subject to suitable conditions to secure a future drainage strategy for the site including any mitigation measures and ongoing site maintenance of surface water drainage. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the National Planning Policy Framework.

### **Ecology and Biodiversity**

Policy CS13 and Q8 seek to conserve and enhance the natural environment regarding biodiversity and ecological habitats.

The application is supported by an Ecological Appraisal and Biodiversity Impact Assessment (BIA). The results of these appraisal indicate there would potentially be a net loss in biodiversity. However, it is difficult to assess the biodiversity impact fully at this stage as the full design and layout details for the site are unknown. Accordingly, the Council Senior Ecologist has recommended that if the application is granted that the S106 agreement secure adequate mitigation and compensation at the Reserved Matters stage. This could be a combination of amendments to the indicative layout or the developer identifies a suitable site for biodiversity offsetting and delivers it under an agreement with the council or the developer makes an offsetting payment based on the Warwickshire County Council metric v19.1 (or a combination of the above).

Whilst it is recognised that at present the application does not demonstrate full compliance with policy CS13 due to the possibility of a net loss provided on the site, the Council's Senior Ecologist has raised no objections to the application. Overall, it is considered that a carefully considered reserved matters application and offsite mitigation could result in a development which can ensure there is not a biodiversity net loss. Policies CS13 and Q8 support development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and secured via the S106 agreement, in compliance with policies CS13 and Q8.

## Other issues

Contamination/Air quality - Environmental Health have raised no objections to the proposal in relation to the potential for contamination of the site and suggest a condition to provide a Phase two ground investigation for contamination and if contamination is found as a result of the investigation a remediation scheme is required to provide mitigation measures to bring the site into a suitable condition for development and also a scheme to identify and deal with any landfill gas contamination. In addition, comments have been made about air quality and the potential for dust being generated from the construction phase. A condition to ensure that the potential for dust from construction is mitigated can be part of the construction management plan for the site.

## Infrastructure Contributions

Some comments from third parties refer to Section 106 Contributions. Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

<b>Education</b>	No education shortfall within the locality so no contribution for education required.
<b>Libraries</b>	£1,510 in order to meet the needs of increased population for the library at East Goscote Library where it is estimated that the proposed development will add 150 to the existing library's catchment. The contribution is sought to provide books, newspapers and associated equipment for the library.
<b>Civic Amenity</b>	The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be accommodated at the existing waste facilities and to be able to maintain the existing service levels a developer contribution of £2584 is required to the nearest pound.
<b>Affordable Housing</b>	40% of the dwellings to be affordable housing with a tenure split of 77% affordable rented and 23% shared ownership.
<b>Open Space</b>	Seeks Contributions for open space/sports provision.  Off site contribution for young people of £47,700 Outdoor Sports £26,469 Allotments £5,646  Indoor Sport - The Sport England Facility Calculator estimates that the development generates demand for -

	7 additional pool visits per week (this equates to an additional 1.21 sq m pool space at a cost of £22,709), 0.03 indoor courts (at a cost of £21,943) and 0.01 Indoor Bowls Rinks (at a cost of £3,240).
<b>Highways</b>	<p>The following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.</p> <ol style="list-style-type: none"> <li>1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack)</li> <li>2. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510.00 per pass).</li> <li>3. Raised kerb provision at the nearest two bus stops Syston Rd (adj Barkby Rd) – 260007805 and at Syston Road (opp Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.</li> </ol>

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

### **Planning Balance and Conclusion**

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

As there is currently an insufficient supply of deliverable housing sites (3.34 years), this application would have to be determined based on para 11d of the presumption in favour of sustainable development in the NPPF. As paragraph 14 of the NPPF cannot be met in this case, this means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.



In this case the development would provide up to 50 new units of which 20 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, or flooding that cannot be mitigated, net loss of biodiversity and landscape compensation can be secured by way of detailed landscaping and design. There would be less than substantial harm to heritage assets which would be outweighed by the public benefits of the scheme. Impacts on infrastructure and public services can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this benefit is the conflict with Development Plan policies, including those of the recently adopted Neighbourhood Plan, there would be some limited harm to the landscape and heritage assets as set out above.

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

**RECOMMENDATION A:**

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal 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:

Biodiversity	The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with the agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference: <ol style="list-style-type: none"> <li>1) To achieve no net biodiversity loss.</li> <li>2) Mitigation on site.</li> <li>3) Mitigate off site</li> <li>4) Offsite contribution to pay for a project within the vicinity of the development which mitigates the net loss on site (to be agreed by all parties).</li> </ol>
Libraries	£1,510 to mitigate the impact of the development at East Goscote Library
Civic Amenity	£2,584 to mitigate the impact of the development at the Mountsorrel Household Waste Recycling Centre
Affordable Housing	40% of the total housing on the site with a tenure split of 77% affordable rented and 23% shared ownership.

Open Space	Off site contributions for young people of £47,700 Outdoor Sports £26,469 Allotments £5,646
Highways	<p>1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack)</p> <p>2. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510.00 per pass).</p> <p>3. Raised kerb provision at the nearest two bus stops Syston Rd (adj Barkby Rd) – 260007805 and at Syston Road (opp Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.</p>

### RECOMMENDATION B:

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

1	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</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>
2	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p>

	<ul style="list-style-type: none"> <li>• Site Location Plan 400 Rev B</li> <li>• Indicative access arrangement 2001570-002 Rev A (within the Transport Statement) submitted 15<sup>th</sup> December 2020</li> <li>• GL1323 13 A Emergency access/footpath/soft landscape drawing submitted 15<sup>th</sup> March 2021.</li> </ul> <p>REASON: To provide certainty and define the terms of the permission</p>
4	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council's identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice within the NPPF.</p>
5	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
6	<p>The details submitted pursuant to condition 2 above shall include provision of a Swept path analysis will be required based on Charnwood's refuse vehicle to confirm the suitability of the layout.</p> <p>REASON: In the interests of pedestrian and highway safety and in accordance with the National Planning Policy Framework (2019) and to promote and encourage walking to and from the site in accordance with policy CS17.</p>
7	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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>
8	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Indicative Access</p>

	<p>Arrangements drawing number 2001570-002 Rev A 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.</p>
11	<p>The details to be submitted pursuant to Condition 2 above shall include the following;</p> <p>Details of external lighting for the site that minimises light spill onto boundary habitats</p> <p>REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with Policy CS13 and the National Planning Policy Framework.</p>
12	<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>
13.	<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 phase.</p>
14.	<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>
15	<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>

16	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16.</p>
17.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access shall be retained and always maintained. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
18	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
19	<p>The details submitted pursuant to condition 2, shall include an heritage statement to inform the impact of the development upon the Queniborough Conservation Area.</p> <p>REASON to ensure the development does not cause harm to the character and appearance of the Queniborough Conservation Area in order to ensure that the development complies with Policy CS14 of the Charnwood Local Plan 2028.</p>
20	<p>No development including site works shall begin until a ball strike report assessment has been submitted with the Reserved Matters to inform the impact of the location and design of the development in relation to the adjacent Tennis Court at the Syston Rugby, Cricket and Tennis ground on the future occupiers of the development.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>

21	<p>No development including site works shall begin until details of the method of dealing with dust from construction works has been submitted to and agreed in writing with the local planning authority. The agreed details shall thereafter be implemented during the construction phase of the development.</p> <p>Reason this condition is imposed in the interests of protecting the amenities of existing and future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
22	<p>No development shall commence on site until a physical site investigation has been undertaken to identify the extent, scale and type of any contamination. Details of the findings of this site investigation shall be submitted to the local planning authority.</p> <p>If contamination is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be prepared, submitted and agreed in writing by the local planning authority.</p> <p>The development hereby permitted shall be carried out in strict accordance with this approved remediation scheme.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
23	<p>Upon completion of the remedial measures approved pursuant to condition 21 a site verification report shall be provided including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use, to the local planning authority and confirmed in writing that it is acceptable.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
24	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
25	<p>An agreed scheme to investigate and where necessary deal with landfill gas shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented and a completion statement</p>

	<p>provided to the satisfaction of the Local Planning Authority.</p> <p>REASON; This condition is imposed in the interests of protecting the amenities of future occupiers in accord with CS2 of the Charnwood Local Plan 2028.</p>
26	<p>The details submitted pursuant to condition 2 shall include a scheme for dwellings that incorporates a varied roofline; and strengthening the hedge along the boundary adjacent to the conservation area and the fields to the south. Planting of large species trees along the edge and within the proposed development, that are given sufficient space to grow to maturity.</p> <p>REASON This condition is imposed in order to break up the regularity of built form, particularly roofscapes, in the interests of the visual amenity and in accord with Policy CS2, CS11 of the Charnwood Local Plan and Policy Q6,of the Queniborough Neighbourhood Plan.</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, CS13, CS14, CS16, CS24, CS25, EV/1, TR/18, and the Queniborough Neighbourhood Plan 2019-2028, Policies Q1, Q4 Q8 Q13 and Q14. Whilst it is recognised that the proposal does not fully comply with policies CS11, ST/2, CT/1, CT/2, Q6 and Q12 the harm arising from this does not significantly and demonstrably outweighed the identified benefits. 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 (2021), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above

and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

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



10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions, and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
12. An appropriate air quality assessment to support the application is necessary, to determine: 1. Air quality conditions at new residences in the proposed development; and 2. Air Quality impacts associated with the traffic generated by the proposed development. The assessment should include receptors adjacent to all roads where a significant change in traffic is predicted.

