

Item No. 1

Application Reference Number P/21/0550/2

Application Type:	Outline	Date Valid:	15.04.21
Applicant:	Mr Andrew Bamber		
Proposal:	Outline application with all matters reserved (except for access) for development of up to 120 new dwellings with access from Main Street, Woodthorpe, Loughborough		
Location:	Main Street Woodthorpe Loughborough Leicestershire		
Parish:	Loughborough	Ward:	Loughborough Shelthorpe
Case Officer:	Susan Garbutt	Tel No:	07714 846497

Background

This application is 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. The application has also been called-in at the request of Ward Cllrs. Bolton and Brennan.

Because the Local Planning Authority has not made a decision on the application within the agreed deadline, an appeal has been lodged with the Planning Inspectorate against the non-determination of the planning application and it is due to be heard by way of an Informal Hearing at a date yet to be scheduled. Once an appeal has been lodged against non-determination, a formal decision on the application cannot be taken by the Local Planning Authority but a decision must be made regarding how the application would have been determined. The resolution of Plans Committee will be used within the Council's Statement of Case and in effect to decide whether to defend the appeal or not.

Description of the Application Site

The application site is currently in use as a large single arable field measuring 5.85 hectares, with Terry Yardley Way (A6004) and its tree-planted embankments to the north, Great Central Railway to the east and farmland and gardens beyond to Quorn, large arable fields to the south and the hamlet of Woodthorpe to the west.

Woodthorpe comprises approximately 22 dwellings and includes a working farm, with a small country park to the west that separates the hamlet from recently developed housing and a local centre on Allendale Road Loughborough, with further development at Ling Road and Grange Park to the west and east respectively.

The site has few features with a hedge to the south, a farm track and public right of way (K35) along the southern boundary within the site and newly planted woodland along Woodthorpe Main Street to the west. Access to the existing field is from Main

Street and off the farm track/right of way, which continues within the site to cross the railway bridge.

The adopted Development Plan shows the site is outside the defined Limits to Development of Loughborough and outside the Limits to Development of the hamlet of Woodthorpe. The site is therefore wholly within the countryside. The site is also within the mineral consultation area for sand and gravel.

Description of the Proposal

The outline proposal involves the development of up to 120 residential dwellings with all matters reserved except for access. The submitted documents include a revised parameters plan (for indicative purposes only) which intends to provide maximum flexibility and discretion when considering the subsequent layout of any reserved matters proposals. The submitted proposal includes some frontage plots to Main Street, Woodthorpe.

Therefore, other than the proposed access from Main Street, it is only the principal of development that is being considered. It is a material consideration that the application site forms part of a larger proposed allocation within the emerging Local Plan (emerging Local Plan policy DS3 site HA15).

The application is supported by:

- Design and Access Statement (March 2021)
- Planning Statement (March 2021, 03)
- Flood Risk Assessment and Drainage Strategy (March 2021)
- Badger Survey (Jan 2021)
- Great Crested Newt Habitat Suitability Index Assessment (Jan 2021)
- Biodiversity Impact Assessment
- Preliminary Ecological Appraisal (Sept 2020 - Rev A Feb 2021)
- Transport Assessment 2/3/21 (v01a)
- Travel Plan 2/3/21
- Air Quality Report 2012
- Desk Based Heritage Assessment 2020
- Arboricultural Impact Assessment 2021
- Noise Impact Assessment (18/0051/R1, 26/3/18, Rev 0)

During the application, in October 2021 the appellant submitted a revised Air Quality Impact Assessment (Sept 2021), Landscape and Visual Appraisal (October 2021), revised Framework Travel Plan (5/10/21, v2) and Transport Assessment Addendum (8/10/21, v01). A Revised Parameters Plan (LBS02/021), was submitted in November 2021 for indicative purposes only and a revised Access Plan (JNY10416-01 Rev I) was submitted in December 2021.

The appellant submitted an appeal against non-determination on the 14/12/21 requesting an inquiry. The email from the appellant 15/12/21 confirmed that the appeal did not include any supporting documents that were not submitted with the application.

The Planning Inspectorate determined that a Hearing was appropriate, and the appellant submitted three Statements of Case on 4/3/22; on matters of Planning (including an Educational Technical Note), Highways and Transportation (including a

Draft Statement of Common Ground) and Five Year Housing Land Supply. A Draft Statement of Common Ground was received from the appellant on 30/3/22. An agreed Statement of Common Ground will be submitted with the Council's statement as per the requirements of the appeal.

Since the appeal was submitted, the appellant submitted further information in relation to highways matters:

- Woodthorpe Roundabout Highways Proposals JNY11123-RPS-0100-001A
- Traffic Flows Diagrams (13 pages)
- Road Safety Audit Stage 1 Final Report (Taylor Bowie Limited, February 2022, TBL19/272)
- Park Road Roundabout Highway Proposals Swept Path Analysis JNY11123-RPS-0100-003
- Park Road Roundabout Highway Proposals JNY11123-RPS-0100-002A
- Park Road Roundabout Highway Proposals JNY11123-RPS-0100-002
- Draft Statement of Common Ground on matters of Highway and Transportation between Leicestershire County Council and RPS Consulting UK and Ireland on behalf of Parker Strategic Land
- Updated Addendum to the Transport Assessment (RPS, v02 20 December 2021)
- Stage 1 Road Safety Audit Designers Response (RPS, v1, 21 February 2022)
- Full Input Data and Results Woodthorpe Roundabout Proposed Signalised Gyratory (95 pages)
- A6004 Park Road Roundabout Improvements ARCADY 9 roundabout module (16/12/21 20 pages)

The above information has been added to the application file and publicised to interested parties, as requested by the Planning Inspectorate. A Mineral Resource Assessment was also received and the Minerals Authority was consulted.

Development Plan Policies

Development Plan policies relevant to the determination of this planning application are set out below.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 Development Strategy
Policy CS2 High Quality Design
Policy CS3 Strategic Housing Needs
Policy CS11 Landscape and Countryside
Policy CS12 Green Infrastructure
Policy CS13 Biodiversity and Geodiversity
Policy CS14 Heritage
Policy CS15 Open Spaces, Sport and Recreation
Policy CS16 Sustainable Construction and Energy
Policy CS17 Sustainable Travel
Policy CS18 The Local and Strategic Road Network
Policy CS24 Delivering Infrastructure

Policy CS25 Presumption in favour 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

Policy CT/1 General Principles for areas of countryside

Policy CT/2 Development in the Countryside

Policy EV/1 Design

Policy TR/18 Parking in New Development

Leicestershire Minerals and Waste Local Plan (2019)

Policy M11 Safeguarding of Mineral Resources

Other material considerations

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

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on the 3rd December 2021. The Plan will now proceed to examination, with the hearing sessions set to begin on 27 June 2022.

The Plan sets out strategic and detailed policies for the period 2019-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan (2004). In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to; (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given), (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). The following emerging policies are considered relevant:

DS1 Development Strategy

DS3 Housing Allocations (the site is part of emerging allocation HA15)

DS5 High Design Quality

LUC1 Loughborough Urban Centre

C1 Countryside

H1 Housing Mix

H2 Housing for older people and people with disabilities

H3 Internal Space Standards

H4 Affordable housing

T3 Car parking standards

CC1 Flood Risk Management

CC2 Sustainable Drainage Systems

CC4 Sustainable Construction
CC5 Sustainable Transport
CC6 Electric Vehicle Charging Points
EV1 Landscape
EV3 Areas of local separation
EV6 Conserving and Enhancing Biodiversity and Geodiversity
EV7 Tree Planting
EV8 Heritage
EV9 Open spaces, sport and recreation
EV10 indoor sports facilities
EV11 Air Quality
INF1 Infrastructure and Developer Contributions
INF2 Local and Strategic Road Network

In accordance with NPPF para 48, the weight assigned to emerging policies is dependent upon:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²⁴.

Relevant policies and the weight they should attract are discussed further in the sections below.

The National Planning Policy Framework (NPPF 2021)

Planning Practice Guidance

National Design Guide

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

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

Housing Needs Assessment 2020

Leicestershire County Council Local Transport Plan (LTP)

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

Housing 5 Year Supply (31/3/22)

Design Supplementary Planning Document (January 2020)

Leicestershire Highways Design Guide

Charnwood Landscape Character Appraisal (2012)

Charnwood Forest Landscape Character Appraisal (2019)

Technical Housing Space Standards (2015)

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 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 Crime and Disorder Act 1998

Equality Act 2010

The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

Consultation Responses

The table below sets out a summary of 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.chnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority – LCC (17/6/21)	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the site is within flood zone 1 (low risk) and that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Housing Strategy & Support CBC (1/6/21)	Seeks 30% (36 homes) affordable housing on the site at an appropriate mix and with 67% for affordable rent and/or social rent and 33% shared ownership.
Minerals Planning Authority (11/4/22)	Mineral Resource Assessment addresses policy M11.
Leicestershire County Council – Highways	Following the receipt of additional and revised information after the appeal was submitted, does not object to the proposal in principle subject to a number of conditions to provide the following: <ul style="list-style-type: none">• A construction traffic management plan• Provision of the access arrangements

	<ul style="list-style-type: none"> • Provision of the off-site highway works • Framework Travel Plan • Provision of drainage to prevent run-off into the highway • Closure of redundant access • Boundary treatment with the right of way • Trees in relation to the right of way • Right of way and construction works <p>The following contributions are also sought:</p> <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 • £6,000 towards Travel Plan Monitoring • Appointment of a Travel Plan Co-ordinator
Leicestershire County Council – Education (20/4/22)	<ul style="list-style-type: none"> • Confirms that there is existing capacity within early years provision in the local area. • Confirms that there is existing capacity (213 pupil places) at primary schools within a two-mile walking distance of the application site and therefore no request for this sector can be justified. • Confirms there is an overall surplus of secondary school places within a three-mile walking distance of the site of 32 pupil places so no request for this sector is justified. • Requests £67,738.12 towards Special School Provision in Loughborough (primary and secondary).
Leicestershire County Council – Libraries (5/4/22)	Seeks a £3,630 contribution towards the enhancement of Quorn Library.
Leicestershire County Council Waste Services (4/4/22)	Confirms that there is existing capacity at Loughborough Household Waste and Recycling Centre. Therefore no request for contributions is made.
Quorn Parish Council (025/5/21)	<p>Raises the following concerns;</p> <ul style="list-style-type: none"> • The development would result in the loss of the separate identities of Loughborough and Quorn. • The countryside should be retained in the interests of biodiversity and recreation. • Unsustainable location with unacceptable mitigation against car use • Concerns that surface water will not be adequately managed on site and could lead to flooding beyond the site boundaries.
Campaign for the Protection of Rural England (21/5/21)	Objects to the proposal on the grounds that it is 120 at Woodthorpe, unsustainable development in the countryside, coalescence with Quorn, impact on

		character and appearance of the landscape and setting of Woodthorpe, public transport not sufficient, loss of very good agricultural land, poor design that does not respond to local context and insufficient highway capacity.
Charnwood Spaces (11/6/21)	Open	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space (parks and amenity green space) • An on-site natural and semi open space • An on-site LEAP facility (all details to be approved) • On-site provision for young people or alternatively a £114,479 contribution towards new or enhanced young people's provision within the locality • Off-site contribution of £39,524 towards off-site outdoor sports facilities • Off-site contribution of £13,551 towards enhancement of allotment facilities in the locality • Seeks £54,502.00 towards indoor pool space • Seeks £52,662.00 towards indoor courts • Seeks £7,776 towards indoor bowls provision
NHS (Nov 21)		Seeks a contribution of £60,757.49 towards the provision and enhancement of facilities at Outwoods Medical Centre and Park View Surgery.
Ward Cllr. Brennan (9/6/21)		<p>Objects to the application on the following grounds:</p> <ul style="list-style-type: none"> • Existing road network capacity and single point of access cannot sustain this development • Harmful impact on the identity and character of Woodthorpe • Oversubscribed primary and secondary schools • Woodland around Woodthorpe should be retained. • A section 106 agreement should secure funds towards healthcare, school places, traffic calming <p>Wish application to be determined at Plans Committee.</p>
Ward Cllr. Gill Bolton (Shelthorpe Ward) (2/6/21)		<p>Objects to the application on the following grounds;</p> <ul style="list-style-type: none"> • The loss of privacy and the local character of Woodthorpe Hamlet, particularly through having the access to the Development from Main Street and the inclusion of six properties that will sit directly on Main Street. • Woodthorpe Hamlet has only a single track road with no facility for car passing and is regularly used by walkers and others. • The Allendale Road roundabout already struggles to cope with the volume of the traffic in the area it currently serves. An additional 200+ cars using this roundabout to access Main Street will make

	<p>the road exceptionally dangerous and may well be unable to cope with such a heavy increase in traffic.</p> <ul style="list-style-type: none"> • There is no public transport within easy access of the proposed development meaning that cars will need to be used for most journeys including those to schools and places of work. • Shelthorpe ward has only one GP practice which is currently not accepting new patients. 120 new homes could potentially mean around 500 new residents needing to register with a GP. • Local schools are over-subscribed which again will mean car journeys to get children to school. • Conservation of habitat and local species. In addition, the area being considered for development is used regularly by local residents within Shelthorpe Ward and other visitors to the area for cycling, walking, running and dog walking. • The traffic survey referred to in the planning application was conducted during the period of lockdown and is therefore unlikely to reflect the actuality of the traffic situation being faced. <p>Request determined at Plans Committee.</p>
Neighbouring Ward Cllr. Shepherd (4/6/21)	Supports the concerns raised by Quorn Parish Council
Neighbouring Ward Cllr. Parton (9/6/21)	<p>Raises as an objection citing the following concerns;</p> <ul style="list-style-type: none"> • The location is unsustainable as confirmed by previous appeal decisions • Lack of school places to meet the needs of new residents • Concern about the access point and pedestrian/cycle safety on the roundabout • Lack of public transport
CBC Environmental Health	<p>Raises no objection. Existing residential properties adjacent to the railway do not experience noise from passing trains and lack of complaints suggests that use of the railway at night is limited. Noise insulation measures of the dwellings and gardens will be considered at the reserved matters stage. The updated Air Quality Impact Assessment is satisfactory. Conditions required for a dust management plan and a noise condition.</p>
Natural England (20/5/21)	No comments
Loughborough and District Cycle Users Campaign (5/6/21)	<p>Concerns that due to the site location, there should be adequate storage for cycles. Potential for improved cycle access and the developer should contribute towards improvements to the roundabout to ensure it is cycle user friendly. Developer should contribute to public transport</p>

	on Allendale Road, nearest bus stops are Manor Road and Manor Drive.
Great Central Railway (21/5/21)	Objects to the application. The development would result in loss of views from carriages. The noise impact assessment does not consider the noise from trains overnight, as operations can be over 24 hours. Existing trees on the embankment are not planted for acoustic attenuation and can be removed at any time. The access road to the bridge is used for general repairs and maintenance and would be used by emergency services is required for accidents on the line.
Network Rail (13/5/21)	Confirms that the adjacent railway line is owned and operated by the Great Central Railway.
Jane Hunt MP (29/6/21)	Concerns raised regarding traffic impact on the Woodthorpe junction, safety at peak times, removal of separation between Loughborough and Woodthorpe and loss of recreational land

Other Comments Received

A petition was received 7/6/21 from Woodthorpe Residents Association with 21 signatories. The petition raises the following objections:

- Destruction of the character and uniqueness of Woodthorpe
- Previous refusals of development at the hamlet P/17/1555/2 and dismissed appeal
- Development should meet local needs of the hamlet
- Emerging policy shows hamlets are open countryside
- Scale and density of the housing is not appropriate
- New residents would need to travel for work
- Loss of good quality agricultural land
- Loss of important open land contrary to EV/18, EV/1 and H/16
- Loss of the woodland copse around Woodthorpe
- Dangerous access onto Woodthorpe roundabout
- Unacceptable traffic impact
- Will create a deficit in school places

Haddon Way Residents Association object on the following grounds:

- Lack of community consultation
- No buffer between Woodthorpe and the new housing
- Site entrance should not be from Main Street but the A6004
- The site should have been an area of separation
- Would support traffic lights on the roundabout to aid safe pedestrian movement
- A new bus route is needed as the site is 1000m from the nearest bus stop
- S106 monies required for schools and doctors surgeries
- Sufficient parking spaces needed for new homes
- The layout cuts the development off from the rest of the proposed allocation

- The buffer to the railway line should be increased
- The Council should retain ownership of green spaces

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

- The development is in an unsustainable location
- There is no need for extra housing in the village
- There is no proven need for affordable housing
- The adverse landscape impact
- Highway/pedestrian safety of Woodthorpe roundabout
- Should not be accessed from Main Street
- Should be accessed from A6004
- Traffic congestion in Woodthorpe from extra 240 cars
- Pressure on existing infrastructure and services (doctors, dentists , schools)
- Scale and design
- Lack of services and facilities in the village to accommodate the new residents
- No bus service on Terry Yardley Way or Grange Park, nearest bus stop is a long walk
- Loss of green space between Loughborough and Quorn
- Loss of a greenfield site
- Loss of high quality agricultural land
- Impact on ecology and loss of trees
- Impact on the countryside
- Flooding
- Surface water drainage problems in Woodthorpe
- Loss of privacy, and overlooking
- Overbearing development on Woodthorpe
- Lack of employment opportunities for the new residents
- The development should be refused in line with previous decisions and appeal decisions for development at Woodthorpe
- Other housing applications at Woodthorpe hamlet have been refused
- Increased risk of anti-social behaviour
- Impact on Woodthorpe during construction
- No footway into the hamlet
- More pollution
- Noise and disturbance to Woodthorpe
- Proposal is based on a draft allocation only
- Loss of plantation at Woodthorpe
- Woodthorpe would be merged/absorbed with the development
- If approved, the development would link with P/20/1380/2 and P/20/1618/2 at Woodthorpe and add 16 dwellings to the village
- Impact on the unique hamlet of Woodthorpe, formerly part of the Beaumanor estate
- The development should not be part of the village and should be screened from the village

- No benefits to Woodthorpe
- Contrary to CS1, CS11 and CS25
- Detrimental impact on recreational use of the area
- Housing fronting Main Street would detrimentally change the style and character and heritage of Woodthorpe
- Proximity of housing to the public footpath
- Effect on listed buildings

Relevant Planning History

There is no planning history relevant to this site.

Consideration of the Planning Issues

The main issues are considered to be:

- The Principle of Development
- The emerging Charnwood Local Plan
- Housing Mix
- Landscape and Visual Impact
- Design and Layout
- 'Prematurity' and the emerging Local Plan
- Open Space
- Heritage
- Impact on residential amenity
- Noise and air quality
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity
- Minerals impact
- S106 Contributions

The Principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Leicestershire Minerals and Waste Local Plan (2019), 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.

The site is located in open countryside to the south of the hamlet of Woodthorpe, which is located to the south of Loughborough. The indicative revised Parameters Plan shows the site access from the existing roundabout to the north-west and 'Area A' on Main Street Woodthorpe, proposed to be developed for 6 dwellings facing onto Main Street.

Policy CS1 of the Core Strategy 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 service centres, other settlements and finally small villages and hamlets (including Woodthorpe). The policy provides for at least 5,000 new homes at Loughborough including a sustainable urban extension west of Loughborough and 1,600 homes at Shepshed. The policy supports development at Woodthorpe that meets a specific local social or economic need where this has been identified, or supports sustainable businesses.

Policy ST/2 defines the Limits to Development of Loughborough and Woodthorpe, and states that built development will be confined to allocated sites and land within Limits to Development, subject to specific exceptions (set out in policy CT/1). The proposed development of 120 dwellings is outside the defined Limits to Development of Loughborough and Woodthorpe and does not meet any of the exceptions listed in policy CT/1. Therefore, the proposed development is contrary to adopted policies CS1 and ST/2. As the development proposed is in conflict with CT/1 it is therefore unacceptable in principle and Policy CT/2 is not engaged.

In the period between the base date of 2011 and the latest full monitoring period of 31st March 2022, 5,371 homes have been completed and committed at Loughborough and Shepshed up to 2028. Therefore, an additional 120 dwellings would not represent an overprovision of growth within this tier of the hierarchy and additional development would not therefore undermine the spatial strategy and strategic vision for Loughborough as set out in Policy CS1. The development of 6 dwellings onto Main Street Woodthorpe, separate from the other proposed dwellings on the site would be contrary to CS1 as the application does not meet a specific local identified need for Woodthorpe. This is discussed further in the design section below.

Policy CS11 of the Core Strategy is also relevant as the site is located in the countryside. The policy requires new developments to protect landscape character and sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments, mitigate impact on tranquility and maintain the separate identities of our towns and villages. These impacts are considered later in this report.

Policies CS1 and CS11 of the Core Strategy and policies ST/2 and CT/1 of the Borough of Charnwood Local Plan are considered the most important for making a decision on this planning application because they relate to the supply of housing and also the consideration of effects upon areas of countryside more generally.

The NPPF is a material consideration in the determination of this application. The NPPF sets out that policies should be reviewed every 5 years and that Local Planning Authorities should identify a supply of specific deliverable sites to provide a minimum of 5 years' worth of housing. As of 9th November 2020, the Core Strategy became more than 5 years old. As required by NPPF paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard methodology requires delivery of 1,160 dpa. The Local Planning Authority can currently

demonstrate 3.04 years housing land supply (at 31/3/22) and the Core Strategy is more than five years old. The housing supply position is set out in Appendix A and includes the response to the submitted Statement of Case in relation to Five Year Housing Land Supply.

Accordingly, as the application involves the provision of housing, policies CS1 and ST/2 are considered out of date. Policy CS1 can be given moderate weight as the overall growth strategy for the Borough is based upon directing development to the most sustainable locations, in accordance with the NPPF. The weight that can be given to ST/2 is limited as the defined limits to development restrict housing development. Policies CS11 and CT/1 are both over 5 years old, but are considered up to date as they are broadly consistent with national planning policy and do not have such a direct relationship with the supply of housing so can be given significant weight.

As the application relates to the provision of housing, and the Council cannot demonstrate a 5 year supply, the presumption in favour of sustainable development set out in paragraph 11d) of the NPPF applies. Paragraph 11d) states:

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

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

Paragraph 11d has two parts, part (i) and part (ii) known as the ‘tilted balance’. The report below sets out which part is considered to apply to this proposal.

In conclusion, the proposed development of 120 dwellings in this open countryside location is contrary to the adopted Development Plan, policies CS1, ST/2 and CT/1. Compliance with policy CS11 is considered later in this report. The development of 6 dwellings at the hamlet of Woodthorpe, separated from the other proposed dwellings on the site, would be contrary to the adopted Development Plan, which seeks to restrict development at Woodthorpe to within Limits to Development to meet specific local need. It is considered that weight can be given to the adopted policies, in the context of their age and the lack of 5 year supply. Policy CS1 can be given moderate weight, policy ST/2 limited weight and policy CT/1 significant weight.

The Emerging Charnwood Local Plan

The emerging Local Plan has been submitted for examination and is a material consideration. Examination dates have been set for June and July 2022 and as such the Plan is well advanced. Emerging policy DS1 sets out the pattern of development for the Borough, and shows that 31% of new homes are to be allocated to Loughborough. Policy DS1 directs 0% of housing development to hamlets (including Woodthorpe). The hamlets do not have defined Limits to Development but are considered countryside where policy C1 applies. Policy C1 does not support the proposed development. The development of 6 dwellings at Main Street, Woodthorpe, would therefore be contrary to emerging policies DS1 and C1.

Emerging policy DS1 states that new development is to be confined to allocated sites or within Limits to Development. Policy DS3 proposes to allocate site HA15 (land south of Loughborough) for 723 dwellings and a new primary school. The application site is the eastern-most part of the proposed allocation site HA15. The draft allocation policy contains required measures including; structural landscaping, tree and hedgerow retention, built development to be restricted to the north of the east-west ridgeline, a buffer to Mucklin wood, retention and enhancement of the character and identity of the linear hamlet of Woodthorpe and its wooded setting, a green infrastructure strategy, and a primary school. The policy states that prior to outline permission being granted for any part of the site, a masterplan is to be agreed for the delivery and phasing arrangements for the whole allocation, in order to achieve a comprehensive development and a development brief/design code is prepared to ensure a cohesive approach to the design and ensure impacts are satisfactorily mitigated. It is considered that 6 dwellings on Main Street Woodthorpe, necessitating the removal of the establishing woodland, would be contrary to emerging policy DS3(HA15).

The draft allocation HA15 does not include arrangements for the accesses to the site. The Highways Authority have confirmed that two accesses will be required to the whole draft allocation; likely to be from the roundabout to the north-west, and from Allendale Road, to the south-west of Woodthorpe. It is therefore a material consideration that the proposed development could impact upon the future delivery of the emerging allocation. The submitted Design and Access Statement does not consider the relationship of the submitted application to the emerging allocation.

It is acknowledged that the emerging Local Plan is not yet adopted. However, weight can be given to the emerging policies, as set out in NPPF paragraph 48. Policy DS1, DS3 and C1 have all been submitted for examination and are thus at an advanced stage in preparation. There are unresolved objections to DS1 in relation to the amount of housing proposed and the spatial strategy. There are unresolved objections to the draft allocation DS3(HA15) in relation to the scale of the development and environmental impacts. There are only two unresolved objections to C1 relating to brownfield land and a specific site. Emerging policies DS1, DS3 and C1 are considered to be consistent with the NPPF. Therefore, overall it is considered that limited to moderate weight can be given to these policies in the determination of the appeal. In accordance with the latest Local Development Scheme (April 2022), the emerging Local Plan hearing sessions will take place by June/July 2022, with the Inspector's Report expected October 2022 and adoption timetabled for December 2022/January 2023. As the hearing date for this appeal is not yet set, the weight that can be given to the emerging policies will depend upon the date of the hearing session, and the progress of the emerging Local Plan. The conflict with the adopted policies will be considered further in the planning balance below.

It is considered that the emerging policies can be given limited to moderate weight, in accordance with NPPF paragraph 48. The conflict with the emerging policies will be considered further in the planning balance below.

Housing Mix

NPPF para 60 requires that in addition to providing land to boost the supply of homes, that the needs of groups with specific housing requirements are addressed. Policy CS3 accords with this and outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and seeks that 30% of the 120 units should be affordable. The policy requires all new housing to be built to lifetime homes standards, where feasible. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided. The policy generally accords 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 the policy. Lifetime Homes standard has been superseded by the new Building Regulations Part M4(2) and M4(3).

Emerging policy H1 seeks a mix of house types, tenures and sizes to meet overall needs in the Borough in line with up to date evidence. Policy H2 seeks at least 10% of new market homes on major sites to meet Building Regulations Part M4(2) standards for accessible and adaptable and an appropriate proportion of affordable homes to meet M4(2) and/or M4(3). Policy H4 seeks 30% affordable housing from major housing developments (67% affordable homes for rent and 33% affordable homes for ownership).

The proposal is in outline form and includes an undertaking to provide 36 affordable homes (30%). 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 distribution and delivery (phasing) of units, and it is suggested that this could be controlled and secured by a condition for both Market and Affordable housing. The tenure(s) for affordable housing can be secured through the s.106 agreement.

Evidence of local needs is provided by the Housing Needs Assessment 2020 which recommends the following overall mix by size and tenure:

	1 bedroom	2 bedroom	3 bedrooms	4+ bedrooms
Market	Up to 10%	20-30%	45-55%	15-25%
Affordable Home ownership	10-20%	35-45%	30-40%	5-15%
Affordable housing (rented)	60-75%		20-30%	Up to 10%

The above preferred mix is shown in the emerging Local Plan (paragraph 4.5, table 6).

The new Housing and Economic Need Assessment (2022) is due to be published at the end of May 2022. An update on this will be provided to the Inspector when it is available.

It is suggested that a size, mix and profile to reflect this could be accommodated on site.

With regards to housing mix, it is considered that a proposal which complies with policy CS3, and emerging policies H1, H2 and H4 could be achieved, subject to conditions. A condition to secure that the new dwellings meet lifetime homes standard is not sought as the standard is superseded. A condition is recommended to secure development in accordance with the new Building Regulations standards, as the emerging policy H1 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. An appropriate housing mix will be considered at reserved matters stage, in accordance with the latest evidence of need. The provision of 36 affordable units would be secured in the S106 agreement and is also a significant benefit of the scheme which should be given weight within the planning balance.

Landscape and Visual Impact

Policies CS2 and saved LP policy EV/1 require new development to respect and enhance the character of the local environment, including landscape, open and undeveloped nature of the countryside and safeguard important viewpoints, landmarks and skylines. Proposals should be of a high standard of design and respond positively to their context. 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. It also requires that development preserve the separate identity of our towns and villages. 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.

Emerging policy EV1 states that development will be carefully managed to protect the Borough's distinctive landscape and new development will be required to protect landscape character and reinforce sense of place and local distinctiveness and maintain the separate identities of our towns and villages. Emerging policy DS3(HA15) states that development on the site will be supported that protects settlement identity and the landscape, including retention of existing trees and hedgerows to contribute to landscape setting and retain landscape character, retention and enhancement of the character and identity of the linear hamlet of Woodthorpe and its wooded setting. At this time, these policies can be given limited to moderate weight due to their compliance with the NPPF, stage in the plan process and limited objections.

Public comments have raised concerns about the loss of open countryside between Loughborough and Quorn, impacts on recreational use of the site, that Woodthorpe should be screened and the loss of the plantation at Main Street.

The submitted Landscape and Visual Impact Assessment

The application is supported by a Landscape and Visual Impact Assessment (October 2021 v2.0). The Assessment describes the site as a single agricultural field with a tree

belt to the northern boundary, and an establishing tree belt to the west and more open boundaries to the east and south-west with scrub and scattered trees. The site is contained by Main Street, Woodthorpe to the west, the A6004 to the north and Grand Central Railway to the east. There is a public right of way within the site to the south-west (K35). The Assessment defines a study area (Figures 2 and 3 of the Assessment). The study area includes the edge of Loughborough to the north-west, Quorn to the south-east, Barrow upon Soar to the east, Woodhouse and Woodhouse Eaves to the south and surrounding countryside up to 4km from the site. The study area includes Barrow Hill to the north-east, the A6004 to the east and high ground at Beacon Hill to the south-east. There are no specific landscape designations for the site. The application site is located within National Character Area 73: "Charnwood" characterised by gently undulating and low-lying landform, with a wooded character and diverse habitats. The Assessment notes that the visual impact of development can be limited by locating it close to existing settlements and additional tree and woodland planting around settlement fringes (paragraph 4.1.6).

At the regional level, the site is within the Forested Ancient Hills and the Assessment notes that large scale modern development and loss of surrounding landscape features and coalition with surrounding settlements would be damaging to landscape character and lead to visual intrusion (paragraph 4.1.21). The site is within the Charnwood Forest Landscape Character Area. The issues for this area include lack of management of woodlands, hedgerows and trees and inadequate mitigation of built development (paragraph 4.1.29)

At a District level, the south of the site within zone 4 and adjacent zone 8 of the Charnwood Forest Landscape Character Assessment (2019). These areas include a gentle undulating landform and are influenced by the urban edge of Loughborough and the Great Central Railway. The site is also defined within the Borough of Charnwood Landscape Character Assessment (2021) as within the Soar Valley Landscape Character Area (LCA) and on the boundary with the Charnwood Forest LCA. The Borough's Landscape Capacity and Sensitivity Addendum (BLCSS) places the site within zone 7 which is considered to have medium-low capacity to accommodate development, as development could compromise the separation between the urban area and Quorn. Part of zone 7 has been developed for housing (north of the A6004). The Assessment quotes the BLCSS "*Development could be appropriate in limited parts of the zone, subject to mitigation measures*" (paragraph 4.1.57). The Assessment considers the site is characterised by the Soar Valley, with the site within the river valley on the transition between the flattest pasture floodplains and the undulating arable fields. The site slopes from south to north (56m AOD to 50m AOD) towards the A6004.

The Assessment concludes there will be no notable effects on the national landscape character, and negligible/slight adverse impacts on district landscape character with benefits from boundary retention, planting and open space. At a local level the landscape effects would be negligible/slight adverse, permanent but localised and minimised by retention of trees and hedgerows. The overall sensitivity of the landscape of the site is stated as low to medium. The magnitude of change would be medium, with a slight to moderate adverse effect overall.

The Assessment considered visual receptors in the study area to include residents in

existing settlements, local road users and footpath users. The closest receptors are properties within Woodthorpe and would have medium to high sensitivity. Those properties would be impacted by removal of the existing establishing tree belt and the erection of dwellings. The magnitude of change would be medium/high and the effects would be up to substantial adverse. Properties on the edge of Loughborough are further from the site and effects would be negligible to slight adverse, due to screening and existing urbanising elements such as the road and roundabout. The north-western edge of Quorn is the closest part of Quorn to the site and properties on Woodhouse Road face the site. But there are established tree belts along Woodhouse Road, trees/vegetation around Loughborough Grammar School playing fields (west of Woodhouse Road) and at 'One Ash' and so views are curtailed. Views from scattered properties/farmsteads on rising ground could have distant views of the site, but could be negligible/slight adverse. Road users have been considered as having medium sensitivity. The effect on the users of Main Street Woodthorpe is considered to be moderate to substantial adverse. The impact on the users of the A6004 would be slight adverse. Views from other roads in the study area would be heavily filtered and limited. The users of the public footpath closest to the site would have high sensitivity. The effect on users of the public footpath adjacent the site would be substantial adverse during construction to moderate adverse during operation due to boundary planting, footpath surfacing, landscaping and open space. Views of the site from the footpath diminish once the footpath crosses the railway. Mid distance views from the footpath between Loughborough and Woodhouse are possible, but the effects are slight adverse to moderate adverse. The Assessment concludes that there would be no effects upon views from footpaths between Woodhouse and Quorn. Views from Charnwood Forest would be possible, but with boundary planting to the south-west of the site, the effect would be negligible/neutral. Views from the Grand Central Railway recreational line would be reduced by the line being within a cutting and the development could reduce effects to slight adverse by dwellings being outward-facing onto green space adjacent to the railway line. The conclusion of the Assessment does not include any recommendations.

Assessment of Landscape Impact

Having reviewed the Assessment and visited the site, the proposal would significantly alter the open rural characteristic of the site at a local level and replace it with built form. In particular, it is considered that the development could have a significant effect on the landscape setting of Woodthorpe, and the visual receptors within Woodthorpe if not mitigated. The indicative Parameter Plan shows the removal of the establishing tree belt within the site adjacent to Main Street and erection of dwellings within 'Area A' adjacent to Main Street outside of Woodthorpe. The loss of the tree belt and new dwellings on 'Area A' would be detrimental to the landscape setting of the hamlet of Woodthorpe and increase the effect of the development on properties and road users in Woodthorpe. It is considered that the slight to moderate adverse impact on landscape character and the substantial adverse visual effects of the proposal on properties and road users in Woodthorpe identified in the Assessment could be mitigated by the retention of the existing tree belt and the addition of a landscaped buffer to the edge of Woodthorpe. This view is supported by the landscape character assessments reviewed in the Assessment, which support the retention of landscape features and avoidance of the coalition of settlements, as this would be damaging to landscape character.

Concerns have been raised that the development would reduce the perceptible gap between Loughborough and Quorn. Whilst the development may be seen from a limited number of locations on the approach to Loughborough from Quorn, this development would be seen in the context of the wider urban settlement of Loughborough and partially contained by existing manmade urban features. The distance from the development site to Loughborough Road in Quorn would be 500m. It is not considered that this distance and reduced degree of separation would cause significant or demonstrable harm having regard for the settlement identity of Quorn. Furthermore, regard would be had within any reserved matters application for the layout and landscaping of the site. Any application would be expected to accord with the aspirations of emerging local policy HA15 which seeks structural landscaping to break up views of the site and around Woodthorpe and to the sites eastern boundary.

Overall, it is considered that there will be harm to the landscape character of the area, but that harm can be mitigated by securing by condition that the establishing tree belt in 'Area A' is retained and that a landscape buffer is secured to the edge of Woodthorpe and adjacent to the railway line and public footpath. With the condition, the new development would protect landscape character, take account of relevant landscape character assessments and maintain the separate identity of the village of Woodthorpe, as required by policy CS11. A condition is also suggested to secure the retention of all existing trees and hedgerows. The layout and design of the development would need to be carefully considered at reserved matters stage to ensure the development could fully satisfy policies CS2 and EV/1. With the recommended conditions, the development would include retention of existing trees and hedgerows to contribute to landscape setting and retain landscape character, retain and enhance of the character and identity of the linear hamlet of Woodthorpe and its wooded setting, as per emerging policy EV1.

Therefore, it is considered that paragraph 11di) of the NPPF does not apply to this proposal and that paragraph 11dii) the 'tilted balance' applies.

Design and Layout

Policy CS2 of the Core Strategy seeks high quality design for new development, to create inclusive design and result in places where people wish to live. New development should respect and enhance the character of the area having regard to scale, density, massing, height, landscape, layout, materials and access arrangements, function well and add to the quality of an area. Development should provide attractive, well managed and safe public and private spaces. Saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and uses materials appropriate to the locality. 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.

Emerging policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. Emerging policy H3 sets out internal space standards that would need to be met by the development and would be considered at reserved matters stage.

Section 12 of the National Planning Policy Framework states that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work.

Paragraph 134 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Public comments have raised concerns about the impact of the development on the character of Woodthorpe hamlet, the loss of the wooded area adjacent to Main Street and its replacement with dwellings and the merging of Woodthorpe with the development and the draft allocation. Comments have also stated the density of the proposal is too high.

As this proposal is in outline form, approval of the design and layout is not currently sought. The Parameter Plan is intentionally vague in order to provide maximum flexibility at the reserved matters stage. This would allow for the reserved matters proposal to have full regard to the emerging local plan policy DS3(HA15) that allocates this site together with the adjacent land parcels to the south-west.

The submitted Local Plan HA15 illustrative concept masterplan (page 43) shows the site boundary, housing parcels and structural landscaping to the railway line and the edge of Woodthorpe. It would be expected that at that time, a masterplan will have been agreed between the different landowners that has full regard for the indicative masterplan within policy DS3 for site HA15.

The application does not consider the need for a road link from the site to the remainder of the draft allocation. This could be secured within the S106 agreement, to ensure future development is not prevented.

The indicative Parameter Plan shows that 'Area A' is proposed to be developed generally in accordance with the guidelines in pages 94-98 of the Design and Access Statement March 2021. This shows a continuation of the linear form and settlement pattern of Woodthorpe and the erection of 6 dwellings fronting onto Main Street. This would result in the loss of a large area of young trees. The 6 new dwellings at Woodthorpe would be separated from the rest of the development by structural landscaping within the site. The Parameter Plan does not indicate any proposed changes to the route of the right of way K35 from Woodthorpe to Craddock Drive, Quorn.

As discussed in the landscape impact section above, it is not considered that dwellings on 'Area A' is an appropriate layout for the site. The Proposed Access Arrangement and Indicative Internal Layout (JNY10416-01 Rev I) now show that 'old' Main Street will not include a footway and this is welcomed to retain its rural character. The northern part of Woodthorpe is characterised by scattered built form punctuated by open spaces and trees and thus reflects its countryside setting, despite its proximity to the edge of Loughborough. To add six dwellings facing onto Main Street would be detrimental to the setting of the village and its character. The retention of the establishing tree belt along Main Street would respect and enhance the hamlet of Woodthorpe and its wooded landscape setting.

It is noted that the appellants Planning Statement of Case refer to the Parameters Plan as indicative and that it was not submitted for approval (paragraph 1.5). For the above reasons, it is not considered appropriate to approve the Parameters Plan.

Therefore, a planning condition securing the retention of the established tree belt along Main Street and no housing onto Main Street is recommended. With the condition, it is considered that the outline proposal could meet the requirements of Policies CS2, CS11 and EV/1 of the Development Plan and national and local guidance in terms of design could be achieved for the site. A condition is recommended to secure development in accordance with the nationally described space standard, as this policy is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. In addition, the S106 will need to secure that a road link from the site to the adjacent land (part of the draft allocation HA15) is provided.

Prematurity and the emerging Local Plan

Emerging policy DS3(HA15) allocates the site (and adjacent land to the south-west) for residential development and a school. The policy states that before outline permission is granted for any part of the site, the Council will require a masterplan to be agreed, which includes delivery and phasing arrangements for the whole allocation, and the preparation of a development brief/design code to inform decisions on detailed/reserved matters applications.

To grant outline permission before a masterplan and design code are prepared, would be contrary to emerging policy DS3(HA15). However, this policy can only be given limited to moderate weight (as discussed earlier). The Council is satisfied that the development of the application site could take place without prejudice to the remainder of the allocation (HA15) provided safeguards are in place to prevent the 'sterilisation' of the remainder. This would include that the application site includes a road of suitable standard linking from the access proposed at the north-west part of the site, unbroken and extending to the south boundary of the site without impediment to connecting to it for development further south. These provisions can be the subject of conditions and/or a s106 agreement.

This issue is addressed in the Statement of Common Ground between the appellants and the Highways Authority at para 2.3 as follows:

"This access will ultimately form one of the two points of access to the overall proposed allocation with the main access provided directly from Allendale Road further to the south. As part of the master planning of the site consideration was given to the potential for access directly from Terry Yardley Way however such a proposal would be contrary to LCC Policy IN5 which seeks to restrict access to A class roads with speed limits over 40mph. Accordingly the only options to serve the site are from Allendale Road and Main Street, and given the scale of the overall allocation site, LCC will require two points of access to the overall development."

On the basis of the current stage of advancement of the emerging Local Plan and appropriate safeguards as described above, the Council can accept that the

development can proceed in conflict with emerging Local Plan Policy HA15 insofar as the requirement for a comprehensive masterplan is concerned.

If outline permission were to be granted, a reserved matters application would most likely be considered against the same policy, which would be given greater weight after Examination.

Open Space

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

Emerging policy EV9 supports major development that meets the needs generated by the development and provide on and off-site open space, sport and recreation facilities in accordance with our standards. Emerging policy EV10 states that developer contributions will be sought from major development to support indoor sports provision.

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

The following open space provision is required for the development, in accordance with policy CS15:

Typology	Minimum requirement	On-site or off-site contribution
Parks	0.09ha	On site as part of a multi-functional green area combined with the Amenity Green Space
Amenity Green Space	0.13ha	On site as part of a multi-functional green area combined with the Parks
Natural and semi-natural open space	0.58ha	On site defined habitat areas managed for ecological value
Provision for Children	1 LEAP facility	On site LEAP
Provision for young people	1 facility	On site facilities/equipment or an off-site contribution of £114,479 towards new or enhanced young people's provision within 1km of

		the site (Allendale Road/Grange Park)
Outdoor Sports Facilities	0.75ha	Off-site contribution of £39,524 to implement the recommendations of the Charnwood Playing Pitch Strategy, improvements at Shelthorpe Golf Course, Nanpantan Sports Ground, Derby Road Sports Ground
Allotments	0.10ha	Off-site contribution of £13,551 for the creation/enhancement of allotment provision within Loughborough (Park Farm allotments)
Indoor Sports		Off-site contributions £54,502 towards 2.91sqm of pool space, £52,662 towards 0.08 indoor courts, £7,776 towards 0.02 indoor bowls rinks

It is considered that all the above are CIL compliant, except for the indoor sports contributions. This is discussed later in this report.

Overall, it is considered that the development could provide the necessary quantum of open space and that on-site shortfalls in open space provision could be mitigated against through appropriate contributions to off-site provision. Accordingly, subject to the above being secured by S106 obligation, the proposal is considered to comply with policy CS15 of the Development Plan.

Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.

Listed Buildings are designated heritage assets, and paragraph 199 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy CS14 of the Core Strategy states that the Council will require development to protect heritage assets and their setting.

Emerging policy EV8 states that the Council will support development that protected and enhances heritage assets and prevents harm to their significance and setting.

Public comments have raised concerns regarding the impact on listed buildings.

The site is located outside of but adjacent to the archaeological alert zone which is concentrated around the historic core of Woodthorpe. The submitted archaeological desk-based assessment identifies a low potential for buried remains. Given this context, it is not considered that the principle of development would be unacceptable on account of archaeological heritage impacts and any potential loss or harm to underground heritage assets could be mitigated with a Written Scheme of Investigation to cover further archaeological investigation, possibly in the form of a geophysical survey in order to better understand any underlying features. It is recommended that this is secured by way of a planning condition to be discharged prior to the commencement of development.

The application Planning Statement states that the nearest listed buildings are 200m and 300m away with intervening fields and woodland planting and so are unaffected by the development. No Heritage Statement has been submitted.

One grade II listed building is located within Woodthorpe at 80 Main Street (Renals Farm) which is to the south-western edge of the Hamlet approximately 260m from the sites boundary. The significance of the heritage asset as set out within the listing description states; *"House, C17 with later alterations. Granite plinth timber-framed with brick infill panels. Entrance front (to south) rebuilt in brick, gable ended Swithland slate roof, timber-framed gabled rear extension. Massive external stone stack with offsets at west end, heightened in brick. Two storeys, irregular 4 window range (one blocked), C20 fenestration"*.

Given this listed building is entirely contained around large-scale farm buildings and existing development fronting Main Street, it is not considered that the development would have any direct visual impact on the setting of this listed building. The original use of the building as a Farmhouse does however have some experiential relationship with the surrounding Farmland, but given the distance from the site, intervening development and the land being under separate ownership, it is not considered that the development would result in any harm to the setting of this designated heritage asset. This is subject to a satisfactory layout, scale and structural landscaping scheme being submitted as part of any reserved matters application.

One other listed building is located at One Ash (west of Loughborough Road, Quorn) 225m from the site's eastern boundary, and on the other side of the Great Central Railway to the site. This grade II listed building is set within enclosed woodland and with the listing description stating: *"Small country house. 1894. By Larner Sugden for W. Wright. Granite rubble stone ground floor with plinth, otherwise red brick with stone band and plain tile roof with stone coped gables and brick ridge and side stacks. In "Queen Anne" style, with 2 projecting gables, the entrance between. 2½ storeys of 3*

sash and casement windows with shutters”.

Given the enclosed wooded nature of the site and the lack of direct relationship between the house and the site, it is not considered that the development would result in any harm to the setting of this listed building.

The Great Central Railway is also recognised as a non-designated heritage asset in its own right and therefore the effect of development adjacent to the railway and how this impacts the experiential use of the railway line as a heritage asset is a material consideration. The development would bring modern built forms in closer proximity to the railway line thus would change the experience of using the railway for a very short stretch of the line. Given the proximity of the line to the existing urban edge of Loughborough and its impact on the line, it is not considered that any harm would befall the heritage asset in this regard. As discussed above the Landscape and Visual Impact Assessment recommends that the site layout include open space adjacent to the railway line and dwellings facing the line, and this can be secured by condition. It should be noted that no Station buildings or other infrastructure of any heritage significance is considered to be affected by the proposals.

Overall, it is considered that the proposal will cause no harm to the setting of the listed buildings in the vicinity of the site and will therefore protect heritage assets and their setting. In accordance with Policy CS14 of the Core Strategy, paragraph 199 of the NPPF and emerging policy EV8.

Impact on Residential Amenity

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

Emerging policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development.

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

The development would be visible from the existing occupiers of housing within Woodthorpe. Other views are likely to be available from dwellings to the north of Terry Yardley Way. The concerns of existing residents are noted and at reserved matters stage, a detailed assessment of the layout will be undertaken to assess amenity impacts. It is relevant to note that conditions are proposed to secure landscape buffer between Woodthorpe and new dwellings on the site. It will also be necessary to ensure the position of any play area on the site is sufficiently distant from existing and proposed dwellings to prevent undue noise disturbance. The potential for noise and disturbance to the existing dwellings as a result of the new roads within the development is also a consideration.

The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application.

Therefore, the proposal could be designed at reserved matters stage to comply with the provisions of policies CS2 and EV/1, and emerging policy DS5, along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

Noise and air quality

Policy CS2 requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development. Policy CS16 states that new development will be supported that protects environmental resources including local air quality.

The NPPF states that planning decisions should ensure new development is appropriate for its location, and avoid noise giving rise to significant adverse impact on health and quality of life. Planning decisions should identify opportunities to improve air quality or mitigate impacts.

Emerging policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. Emerging policy EV11 states that the Council will support development that does not lead to a significant impact upon, and deterioration of local air quality resulting in an unacceptable impact on human health, local amenity or the natural environment.

Public comments have raised concerns regarding construction impacts on noise, pollution and disturbance.

The application is supported by an Air Quality Report (WSP, 20/12/12) and Noise Impact Assessment (Cole Jarman, 26/3/18). An up to date Air Quality Assessment was requested and submitted (WSP, Sept 2021).

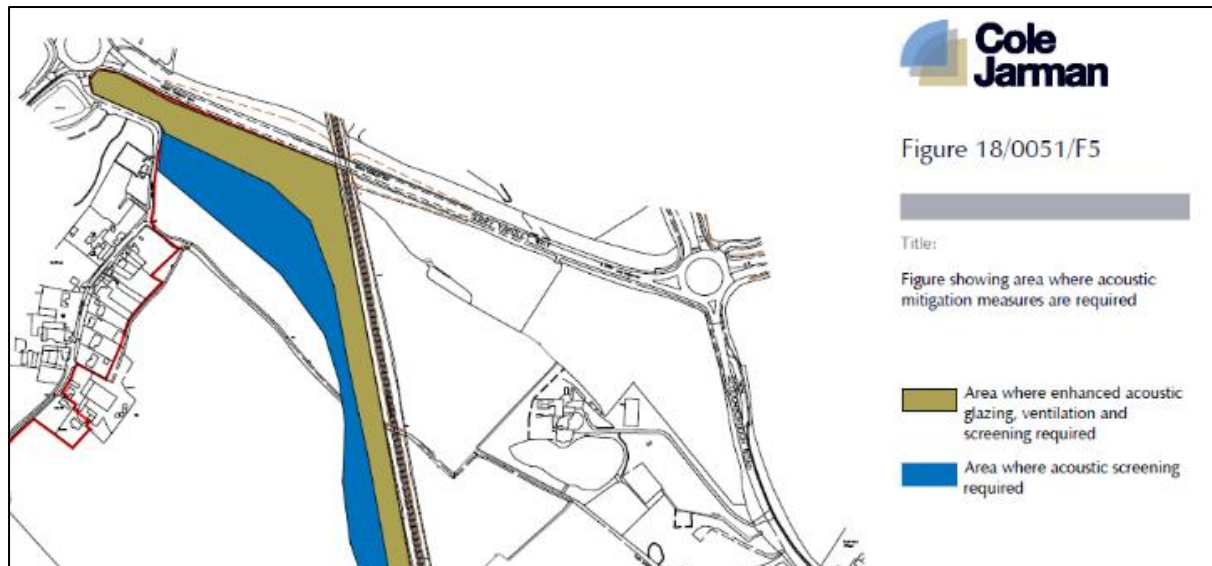
The 2021 Air Quality Assessment considered the potential air quality impacts during the construction and operational phases of the development. The site lies adjacent to the A6004 to the north and the Great Central Railway line to the east. The report notes that the site is not within an Air Quality Management Area. The report concludes that through good practice and mitigation measures, the effect of dust and particulate matter can be significantly reduced, and the residual effects of the construction phase will be negligible. The traffic generated by the development would cause a very small increase in pollutant concentrations, leading to a negligible impact. Detailed mitigation measures for construction traffic and a Travel Plan to reduce single occupancy trips are recommended. The assessment concludes that future residents would not be exposed to poor air quality.

The Environmental Health officer advises that the general findings of the 2021 Air Quality Assessment are satisfactory. The report identified a low risk of dust impact from construction activities provided that appropriate mitigation measures were implemented. It is therefore recommended that a condition is imposed to secure the submission and approval of a Dust Management Plan.

The Noise Impact Assessment (26/3/18) notes that the site is adjacent to the A6004 to the north, the Great Central Railway to the east and existing residential dwellings to the north in Woodthorpe. The assessment assumes 2 storey development of masonry construction with a tiled roof. The Assessment recommends that dwellings should be built 40m from the edge of the nearest live carriageway of the road, and 25 m from the nearest rail of the heritage railway (paragraph 6.2.1) shown in gold on figure 18/0051/F5. Dwellings within the gold zone would require enhanced acoustic glazing and acoustic trickle vents. In all other areas, dwellings would require standard thermal

double glazing (to windows/patios/balcony doors) providing a sound reduction performance of at least 30dB_{Rw} and appropriate vents. Gardens located within the gold and blue zone would require acoustic screening; 1.8m for gardens facing the heritage railway and for gardens facing Terry Yardley Way screening in excess of 3-4m may be required as the A6004 is elevated above the site.

Extract from Noise Impact Assessment (26/3/18): Figure 18/0051/F5



The Assessment therefore shows that mitigation measures will be required on the majority of the site.

The Environmental Health officer advises that the Noise Assessment Report submitted confirms that the development site is exposed to a noise climate generally suitable to support residential end use. However certain parts of the site were likely to be impacted by rail noise. Further consideration of the potential impact of train noise should be considered at reserved matters stage when matters of layout, construction and orientation are considered. A condition is therefore recommended to secure an appropriate glazing and ventilation scheme to be submitted at reserved matters stage, for all properties proposed in the blue and gold area of Figure 18/0051/F5 in the noise Impact Assessment (26/3/18).

Therefore, subject to a condition to secure an appropriate noise mitigation scheme is considered at reserved matters, and a Dust Management Plan to mitigate dust impact from construction activities, the proposal is considered to meet policies CS2 and CS16 and emerging policies DS5 and EV11.

Highway Matters

Polices CS2 requires new development to provide well defined and legible streets and spaces that area easy to get around for all. Policy CS17 promotes sustainable travel and requires major development to provide walking, cycling and public transport access to key facilities and services, safe and well-lit streets and secure new bus stops/services where development is more than 400m from an existing bus stop. Policy CS18 requires network improvements where identified in Transport Assessments. Policy TR/18 requires off-street parking to be provided for vehicles and cycles to secure highways safety and minimise harm to visual and local amenities.

Adopted standards are provided as a starting point to assess the level of provision. 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.

Emerging policy CC5 states that Council will support sustainable patterns of development which will minimise the need to travel and seek to support a shift from travel by private car to walking, cycling and public transport. The policy states that we will support major development that secures, where possible, new and enhanced bus services, including new bus stops where development is more than a 400m walk from an existing bus stop. Emerging policy CC6 supports development that provides electric vehicle charging for each new dwelling with a dedicated parking space. Emerging policies INF1 and INF2 seeks to secure appropriate infrastructure to mitigate the impacts of development.

Public comments have raised concerns regarding the proposed access from Main Street, the impact on the Woodthorpe roundabout, pedestrian safety, the impact on the public right of way, traffic impact, parking provision, the lack of bus service, distance to nearest bus stops and traffic congestion in Woodthorpe.

At the time that the appeal was submitted (December 2021), there was only one outstanding technical matter to be resolved which related to the Highway Authority's position that, at the time, the applicant had failed to fully demonstrate that the development would not have an unacceptable impact on highway safety or cause severe harm to the highway network.

The Local Highways Authority has set out its position in a Statement of Common Ground with the appellant. The Local Highway Authority (LHA) has assessed the information submitted before and after the appeal was lodged including the updated addendum to the Transport Assessment and the revised proposed Access plan (rev I). The Local Highway Authority has confirmed that it would not object to the application subject to the imposition of conditions and securing Section 106 obligations. For the purpose of the appeal, the Local Highway Authority would not seek to object to the application or defend the appeal.

Site Access

The Statement of Common Ground on matters of highway and transportation sets out that the emerging allocation will require two points of vehicular access, the one proposed in this application and a further main access from Allendale Road further south (paragraph 2.3). An access from the A6004 is not appropriate and the LHA and appellant agree this.

The development is proposed to be accessed from Main Street, an adopted unclassified road, subject to 30mph limit. Main Street is accessed from the 5 arm Woodthorpe roundabout.

The submitted Access Plan (Rev I) shows that site will be accessed via the existing arm of the Woodthorpe roundabout located to the north-west, that currently serves Woodthorpe. The access road would be amended to be 9.9m width from the roundabout, reducing to 6.0m width before the site entrance, and 5.5m width within the site. A footway of 2.5m width would be provided along the length of the access road (along its southern side) and within the site. No footway would be provided into Woodthorpe village and the rural character of the lane into Woodthorpe (3.3m width with no footway) would be retained. A T-junction would be formed where Main Street Woodthorpe would join the access road.

The Statement of Common Ground on matters of highway and transportation (agreed between the appellant and the LHA) states that existing bus services are within 800m of the site and that it is agreed that bus access within the site is not required (paragraph 3.1). As the proposed access would be 5.5m wide, it would not be sufficient width to serve a bus. Given that the development is part of the emerging allocation which includes a school, it is not clear why the LHA consider that bus access will not be required along the access road. There is currently no agreed masterplan for the emerging allocation, but a draft masterplan is in production for the remainder of the emerging allocation HA15, and it is anticipated that this will be submitted to the Local Plan examination. The Council will provide this to the appeal Inspector when it is available.

The Statement of Common Ground on matters of highway and transportation states that works to the site access can be secured by condition.

Impact of the proposed access on the emerging allocation

The Local Planning Authority and Local Highways Authority have sought clarity in relation to whether this proposed development of 120 dwellings on part of the emerging allocation HA15 would in any way adversely impact the delivery of the remainder of the housing on the emerging allocation HA15 (603 dwellings).

The updated TA Addendum refers to the Emerging Masterplan for the allocation HA15, submitted by the site promoters to the Regulation 19 consultation. That plan has no formal status. That plan shows the allocation accessed from Allendale Road and also off the Woodthorpe roundabout (Figure 2 in the updated TA Addendum). The updated TA Addendum assessed 4 scenarios, where various levels of traffic would be served off the two access points. The updated TA Addendum concludes that measures can be provided at the Woodthorpe roundabout junction in the form of partial signalisation of the roundabout to ensure that the development traffic from the whole emerging allocation is mitigated and the cumulative impact is not severe. The updated TA Addendum concludes that the appeal proposals do not prejudice the evolving masterplan and provide a suitable access that could accommodate the entire allocation, alongside a further access off Allendale Road.

The Statement of Common Ground on matters of highway and transportation states that the LHA agree that suitable measures can be provided in the future at this junction to accommodate the impact of the emerging allocation (paragraph 3.1).

Junction Capacity, Trip Generation and Traffic Impact

The proposal included junction capacity assessments for various junctions. There is a single junction (A6004/Park Road) where the development will require improvements to the Park Road south arm, where the approach width will be widened to permit 3 lanes at the entry to the junction (plan JNY11123-RPS-0100-002A). The appellant has submitted a Road Safety Audit (Stage 1 Final Report, Feb 2022) of the proposed improvement measures. The Statement of Common Ground on matters of highway and transportation states that the LHA agree that the junction works are suitable to address the impact of the development and the Audit is agreed.

Internal Layout

As the access to the site is the only matter to be determined in detail at this stage, and internal road layout would be determined at reserved matters stage. The parking provision on the site would be considered at reserved matters stage.

As discussed above, it is considered necessary to secure via the S106 agreement that a highway link is provided from the application site to the rest of the draft allocation, to ensure that the appeal site does not preclude further development in the future, and ensures two access points to the draft allocation can be provided, as required by the Local Highways Authority.

Transport Sustainability

The site access is approximately 800m from the nearest bus stop (the nearest stops are Farndale Drive, Maple Road and Griggs Road, a 10 minute walk). The bus services 5, 11 and 12 are half hourly. There is an Aldi Store adjacent to the Woodthorpe roundabout, and the town centre is 2.6km away. The site is 1.1km to the nearest primary school (Beacon Primary Academy) and 2.1km from the nearest secondary school (Woodbrook Vale). A primary school is also proposed to be provided on the emerging allocation HA15. Loughborough is also served by a train station to Leicester and the wider country (3.8km away).

The updated TA Addendum states that the internal road layout can be designed to accommodate bus services (paragraph 5.8), but this is not the case, as the 5.5m width precludes bus use. The Statement of Common Ground states that it is anticipated that bus services will be provided along Allendale Road, to serve the emerging allocation HA15. Therefore, 'ultimately bus services would be within 400m of the site' (paragraph 3.1). However, the emerging policy HA15 does not secure bus provision along Allendale Road. However, emerging policy CC5 does seek new and enhanced bus services where development is more than 400m walk from an existing bus stop, like existing policy CS17.

Both existing and emerging policy seek major development to be 400m walk from an existing bus stop. It is not clear from the Statement of Common Ground why the LHA are content that the development would not be served by a bus stop and why they are confident that a bus stop along Allendale Road will be provided by the emerging allocation, given that the policy can be given limited weight at this stage, and the site allocation policy does not require it.

Travel Plan

The Statement of Common Ground states that the submitted Framework Travel Plan (v2 5 October 2021) could be delivered and monitored by a suitable condition. The Travel Plan needs to be updated to reflect the latest access design, and an updated Travel Plan can be secured by condition.

Concerns have been raised by the public and the local cycling group about the need for cycle storage and improved cycle and walking routes. The travel plan commits that cycle parking for new dwellings will be provided. A 2.5m wide footway/cycleway is provided as part of the access arrangements that link to the existing cycle provision on the A6004.

PROW K35

The application states that the public footpath K35 will be incorporated into the proposals. The Local Highways Authority have suggested conditions with regard to the public right of way within the site.

S106 Obligations

The Local Highways Authority are requesting the following obligations; Travel Packs for new residents (£52.85 per pack per plot), Six month bus passes (2 per dwelling) to encourage new residents to use bus services (average cost of £350 per pass), Travel Plan monitoring fee (£6,000) and appointment of a Travel Plan coordinator.

Therefore, it is considered that the proposed development has been assessed by an appropriate Transport Assessment. The Local Highways Authority consider that in the context of paragraph 111 of the NPPF, the development should not be prevented or refused on the grounds of access and users of the local highway network or residual cumulative impact on the local highway network. The Local Highways Authority have confirmed that suitable measures can be provided in the future at Woodthorpe roundabout to serve the emerging allocation and that two accesses to the future allocation will be required. Conditions are proposed to secure a Construction Traffic Management Plan, access, off-site works, Travel Plan, drainage details, closure of redundant accesses and treatment of the right of way K35. S106 obligations are also recommended, as set out above.

The development will not be within 400m of an existing bus stop and no new or enhanced bus service provision is proposed, contrary to policy CS17 and emerging policy CC5. The Local Highways Authority consider that bus services will ultimately be provided on Allendale Road by the emerging Local Plan allocation for site HA15. However, given the limited to moderate weight that can be given to the emerging allocation at this time, and no requirement in the draft policy HA15 for bus provision, the timing of this provision is unknown. The appellant and Local Highways Authority have not sought to secure bus service provision to serve the development. This weighs against the proposal.

The other highways elements of the proposal are considered to meet policy CS17, CS18 and emerging policies CC5, INF1 and INF2. Compliance with policies CS2, TR/18 and emerging policy CC6 can be secured at reserved matters stage.

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. The policy requires development to manage surface water run off with no net increase in the rate of surface water run off for green field sites. 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.

Emerging policy CC1 directs development to flood zone 1 and requires major development to be supported by a Flood Risk Assessment. Emerging policy CC2 supports major developments that use sustainable drainage systems in accordance with the drainage hierarchy, to provide multifunctional benefits and to secure their maintenance.

Public comments have raised concerns regarding flooding and drainage in Woodthorpe.

The submitted Flood Risk Assessment and Drainage Strategy (March 2021) shows the site is within flood zone 1 and has existing ditches along the southern and western boundary. Water flows on the site flow towards the A6004. A small area adjacent to the A6004 is at high risk of surface water flooding (1 in 30 years). The Strategy proposes to discharge surface water flows to the existing watercourse near the site, through an existing culvert, provide a stepped attenuation basin and swale and use permeable paving within the highway. An indicative foul water drainage strategy has been provided that includes a pumping station to connect to the existing public foul sewer. Finished floor levels will be raised 150mm to manage an extreme flood event.

The Leicestershire Lead Local Flood Authority has assessed the submitted information and considers that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate planning conditions to further define the components of the Sustainable drainage scheme at the Reserved Matters stage.

Therefore, it is considered that in principle the proposed development meets the policy CS16 and emerging policies CC1 and CC2 subject to the recommended conditions,

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.

Emerging policy EV6 seeks 10% biodiversity net gain and the protection and

enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, policy EV6 can be given only limited weight until the emerging policy is further progressed towards adoption.

Public comments have raised concerns regarding the loss of woodland and trees and the impact on ecology.

The nearest designated site is the Great Central Railway local wildlife site adjacent to the eastern site boundary.

The application is supported by a Preliminary Ecological Appraisal (PEA) (Feb 21), Great Crested Newt Suitability Index Assessment (GCNSIA) (Jan 21), Biodiversity Impact Assessment Metric (v2) and Arboricultural Impact Assessment (Feb 21). The site is currently in agricultural use, with trees mainly to the boundaries only. There are two tree groups within the site, G7 to the west adjacent to Main Street (proposed to be removed) and G4 to the south. There are hedgerows boundaries to the south, H1 and H2. There is a large tree belt to the A6004 outside the site (G1). The PEA identifies the most notable ecological features on site as the hedgerows (which meet the criteria as a Habitat of Principal Importance in England and are a local BAP priority habitat), scrub and the broadleaved plantation woodland (a local BAP priority habitat). The site contains badger setts and rabbit warrens. The PEA makes several recommendations. Of particular note are the retention of the broadleaves plantation woodland and boundary hedgerows, a Construction Environmental Management Plan, biodiversity enhancement and species protection. The GCNSIA found no newts but recommends precautionary measures.

The submitted Biodiversity Impact Assessment (BIA) Metric (v2) concluded that the development would result in a loss of 1.89 habitat units (11.51%).

The Borough Council's Senior Ecologist has confirmed that a final BIA metric is not required at this outline stage, but that BIA of the detailed layout will be required at reserved matters stage. The Ecologist anticipates that the scale of the biodiversity loss will be larger than 1.89 units and in the region of 21%. It is not clear that the habitats proposed within the calculation would be compatible with the open space requirements of the site. The calculation is based upon an indicative layout only. The Council will seek to avoid biodiversity net loss by securing on site mitigation. Off-site compensation will be a last resort and should be on land within the appellant's ownership, or exceptionally in the form of a payment to secure replacement provision. Because it is not clear at this stage that adequate on-site mitigation can be provided, it is possible that off-site provision/compensation will be required. As this may include a financial payment, this will need to be secured within the S106 agreement.

The Senior Ecologist considers that any works within 30m of the badger sett (to the south of the site just off site on the embankment of the railway) would require the sett to be closed. There are likely to be sett chambers within the site. Given the location of this sett and the need for increased onsite ecological provision, it should be possible to design a detailed layout to avoid the need for sett closure. A condition is

recommended to secure an badger mitigation statement to include an updated survey and avoidance of sett disturbance.

Therefore, subject to a S106 agreement to secure a net gain in biodiversity, BIA to be submitted at reserved matters stage and the recommendations of the various submitted studies being secured by condition, it is considered that the proposal will comply with policy CS13 of the Core Strategy and the NPPF.

Minerals impact

Policy M11 of the Leicestershire Minerals and Waste Local Plan states that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area in any of 5 circumstances. Applications for non-mineral development in such areas, should be accompanied by a Mineral Assessment of the proposed development on the mineral resource beneath or adjacent to it. A copy of the policy is provided at [Appendix B](#).

The site lies within the Mineral Consultation Area for Sand and Gravel. The Mineral Planning Authority was not originally consulted on the planning application and have submitted comments to the appeal requesting a Mineral Assessment. The submission of a Minerals Assessment at this stage is supported by the Local Planning Authority. The appellant has submitted a Minerals Assessment and the Mineral Planning Authority has confirmed that they are satisfied that the Assessment accords with Policy M11 and therefore raise not objection to the proposal. Therefore, the proposal is considered to comply with policy M11.

Section 106 Contributions

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

Education	<ul style="list-style-type: none">• £67,738.12 towards Special School Provision in Leicestershire
Libraries	<ul style="list-style-type: none">• £3,630 contribution towards the enhancement of Quorn Library.
Open Space	Seeks the following contributions: <ul style="list-style-type: none">• An on-site multi-function green space (0.09ha minimum parks provision and 0.13ha minimum amenity green space)• An on-site natural and semi open space (0.58ha minimum)

	<ul style="list-style-type: none"> • An on-site LEAP facility (all details to be approved) • On-site provision for young people or alternatively a £114,479 contribution towards new or enhanced young people's provision within 1km of the site (Allendale Road/Grange Park) • 0.75ha on-site provision or a £39,524 contribution towards off-site outdoor sports facilities to implement the recommendations of the Charnwood Playing Pitch Strategy, improvements at Shelthorpe Golf Course, Nanpantan Sports Ground, Derby Road Sports Ground • 0.10ha on-site provision or a £13,551 contribution towards off-site provision or enhancement of allotment facilities in the locality (Park Farm allotments) • Seeks £54,502.00 towards indoor pool space • Seeks £52,662.00 towards indoor courts • Seeks £7,776 towards indoor bowls provision
Affordable Housing	30% (36 homes) affordable housing on the site at an appropriate mix and with 67% for affordable rent and/or social rent and 33% shared ownership.
Healthcare	Seeks a contribution of £60,757.49 towards the provision and enhancement of facilities at Outwoods Medical Centre and Park View Surgery.
Biodiversity Net Gain	Because it is not clear at this stage that adequate on-site mitigation can be provided, it is possible that off-site provision/compensation will be required. As this may include a financial payment, this will need to be secured within the S106 agreement. The S106 will include the submission of a Biodiversity Impact Assessment.
Highways	<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 • £6,000 towards Travel Plan Monitoring • Appointment of a Travel Plan Co-ordinator
Road link to the adjacent land to the south	The layout include a road link with no ransom strip to the wider allocation site (within the emerging Local Plan) to ensure that the development does not sterilise the potential for future development on adjacent land (part of emerging allocation DS3(HA15))

These contributions (with the exception of the 3 indoor sports requests) 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 appellant considers that the request for a S106 contribution to Special School Education is not justified as the development will generate 0.44 primary and 0.48 secondary pupils, and not whole numbers of pupils. The Education Authority requires special school contributions from developments of 100 dwellings or more with at least 2 bedrooms. The nearest special school is Ashmount School and has a deficit of places. The Education Authority will be submitting evidence to the appeal regarding their S106 request.

A signed Section 106 agreement has not been provided. In the absence of a signed Section 106, the scheme would fail to deliver the necessary infrastructure provision to ensure sustainable development as required by policies CS3, CS13, CS15, CS17 and CS25. However, it is anticipated that such an agreement will be provided in advance of determination of the appeal and, subject to agreement regarding its content, such issues would be overcome.

Other matters

Loss of agricultural land

Public comments have raised concerns regarding the loss of high quality agricultural land. The site is grade 2 (very good) agricultural land, as stated in the SHLAA 2020 (site reference PSH255, page 135), and shown on the regional agricultural land classification map (2010, published on Natural England website). Policy CS16 supports the protection of our most versatile agricultural land and paragraph 174 of the NPPF recognises the economic benefits of the best agricultural land. The policy can be given significant weight. The land is part of a wider area of grade 2 land in this area south of Loughborough, and a limited part of the grade 2 land within the Borough. The loss of this land is therefore considered to be a moderate negative impact of the proposal.

Previous appeal in Woodthorpe

The public comments have raised that previous appeal decisions for housing in Woodthorpe have been dismissed. The proposed development is on agricultural land adjacent to Woodthorpe and is an emerging housing allocation DS3(HA15) in the Local Plan. The scale and location of the proposal is different to previous development proposals.

Current housing applications in Woodthorpe

There are two current housing applications on land associated with existing dwellings at Woodthorpe (P/21/1390/2 and P/21/1571/2) both for 7 dwellings each. These applications are pending decision and are not considered to be relevant to the current proposal as they are of a different scale, not on agricultural land and are not within the emerging housing allocation DS3(HA15) in the Local Plan.

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, the National Planning Policy Framework and the emerging Local Plan.

As there is currently less than 5 years supply of deliverable housing sites (3.04 years), this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. It is not considered that 11di) applies to this proposal as the site is not protected for its habitat value or heritage value and the assessment shows that there would not be a clear reasons for refusal of the proposed development for reasons of ecological or heritage impact. Therefore, part 11dii) applies to the proposal and permission should be granted unless any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

The development would provide up to 120 new units of which 30% would be affordable homes, at a time when there is an acute need for these. The site offers the potential for high quality design and an acceptable mix of housing. These are significant benefits of the proposal.

The adopted Development Plan does not support housing development in this open countryside location outside of settlement limits, but the Plan is out of date and the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. Therefore, this reduces the weight that can be given to policies CS1, ST/1, CS11 and CT/1. However, this needs to be balanced with the limited to moderate weight that can be given to emerging policies DS1 and DS3 which allocates the site for housing (as part of the larger allocation HA15 for 723 dwellings and a school). Both the adopted and emerging plans recognise that Loughborough is a sustainable settlement and close to local facilities and therefore the compliance of the proposal with the overall development strategy for the Borough is given neutral weight in the planning balance.

The proposal is located within open countryside and would be a loss of agricultural land. There is identified harm to the landscape character of the area but with the suggested conditions to secure an appropriate layout and screening from the village of Woodthorpe the harm can be mitigated. The development would therefore comply with adopted policies CS11 and EV/1 and emerging policy EV/1 which seeks to retain and enhance the character and identity of Woodthorpe. The adopted policies can be given significant weight and the emerging policy limited to moderate weight. Overall, the harm is mitigated and this weighs neutrally in the planning balance.

The design and layout of the scheme is for future consideration at reserved matters stage. The Parameters Plan is not considered appropriate. With conditions to secure the retention of the existing tree belt at Main Street and the new dwellings meet space standards, the development could meet policies CS2, CS11 and EV/1. These policies can be given significant weight. At this stage, the design benefits of the scheme can be given neutral weight.

Subject to the addition of provisions within the S106 agreement to secure a road link

to the adjacent site it is considered that the future development of adjacent land, including draft allocation DS3(HA15), would not be sterilised by this proposal. This can be given neutral weight. To permit the outline application before a masterplan is prepared would be contrary to emerging policy DS3 (HA15). This policy can be given limited to moderate weight. Therefore, the conflict with the policy can be given limited to moderate weight at this stage.

The development will provide on and off-site open space. This would be policy compliant open space. Policy CS15 is given significant weight. The delivery of open space is a benefit of the development and can be given moderate positive weight.

The development will cause no harm to the setting of listed buildings and thus complies with policy CS14 and emerging policy EV8. The lack of harm can be given neutral weight in the planning balance.

The noise impact on new dwellings can be controlled by mitigation and construction impacts can be mitigated also. The development will comply with policies CS2 and CS16 and emerging policies DS5 and EV11. Adopted policies can be given significant weight and emerging policies limited to moderate weight. The mitigation of impacts can be given neutral weight in the planning balance.

There is no objection from the highways authority to the proposed access arrangements, subject to conditions and S106 obligations. This would allow compliance with CS18 and is given neutral weight in the planning balance. The sustainable transport links are limited in this location and the proposal would not contribute to a new bus service to serve the site. This is contrary to policy CS17 and emerging policy CC5. These policies can be given significant and limited to moderate weight respectively. The appellant and local highways authority have not sought to secure bus service provision to serve the development. This weighs against the development. Bus service provision may come forward as part of the emerging site allocation DS3(HA15) but this policy can be given limited to moderate weight. Given that all other highways impacts are acceptable, the lack of bus service can be given moderate negative weight.

The proposal is outline, and the impact on biodiversity will depend upon the final layout and design. It is considered that a net gain in biodiversity can be secured in the S106 agreement, with a Biodiversity Impact Assessment to be submitted at reserved matters stage. The proposal would comply with policy CS13 which is given significant weight. Emerging policies EV6 and EV7 can be given limited to moderate weight. The net gain can be given limited positive weight.

The impact on minerals will be neutral and policy M11 is given full weight. The impact is neutral overall.

The loss of grade 2 agricultural land is a negative impact of the proposal. This loss is given moderate weight as the loss is limited to a small parcel of the available grade 2 land in the Borough.

The appellant's planning statement of case sets out that the development would provide employment in the construction phase and future residents would support the

economy by generating tax revenue and contribute to the local economy by utilising local services and facilities. Given the scale of the development, these benefits can be given moderate weight.

The S106 contributions and provisions will deliver necessary infrastructure to make the development acceptable in planning terms. These are considered to be neutral in the planning balance.

Applying the tilted balance in paragraph 11dii), it is not considered that the identified adverse impacts (namely the lack of a masterplan for the site as part of the emerging housing allocation, no bus service within 400m of the development and the loss of grade 2 agricultural land), would significantly and demonstrably outweigh the benefits of the development (namely the delivery of housing including affordable housing, the delivery of open space, a net gain in biodiversity and construction employment and future benefits to the local economy), when assessed against the NPPF taken as a whole.

Conclusion

Accordingly, should members have considered a planning application, it is recommended that planning permission should have been granted subject to conditions and S106 contributions and obligations.

The scheme to make it acceptable would need to provide necessary infrastructure to support the new development and mitigate its impacts and this would need to be secured through a Section 106 Legal Agreement. The harm to infrastructure provision is considered to be significant and without a Section 106 securing the necessary obligations and contributions it would render the development unsustainable and would outweigh the benefits of the proposal.

The appellant is currently drafting a Section 106 to be circulated to the Council for comment and agreement prior to the hearing sessions with the Inspector. The Section 106 should secure the following:

- 30% affordable housing provision (67% for affordable rent and/or social rent and 33% shared ownership).of an appropriate layout and delivery (phasing) etc.
- Increasing capacity at local GP surgeries
- Special needs primary and secondary school provision
- Sustainable travel options : Travel Pack provision, including bus passes and Travel Plan and co-ordinator
- On site open space provision and off-site open space contributions
- improvement to Quorn library
- Submission of a biodiversity impact assessment and to secure a net gain in biodiversity (Off site bio-diversity net gain should on site solution be impractical)
- Road link from the site to the adjacent site to the south to avoid sterilisation of the adjacent land for future development

Subject to the signing of a S106 agreement to secure the contributions and provisions above (and set out in full in Recommendation A), then a recommendation for approval

subject to conditions (as set out in Recommendation B) is recommended.

Recommendation A:

That the Planning Inspectorate be informed that the planning application would have been approved by the Borough Council subject to the parties entering 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	<ul style="list-style-type: none"> • £67,738.12 towards Special School Provision in Leicestershire
Libraries	<ul style="list-style-type: none"> • £3,630 contribution towards the enhancement of Quorn Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (0.09ha minimum parks provision and 0.13ha minimum amenity green space) • An on-site natural and semi open space (0.58ha minimum) • An on-site LEAP facility (all details to be approved) • On-site provision for young people or alternatively a £114,479 contribution towards new or enhanced young people's provision within 1km of the site (Allendale Road/Grange Park) • 0.75ha on-site provision or a £39,524 contribution towards off-site outdoor sports facilities to implement the recommendations of the Charnwood Playing Pitch Strategy, improvements at Shelthorpe Golf Course, Nanpantan Sports Ground, Derby Road Sports Ground • 0.10ha on-site provision or a £13,551 contribution towards off-site provision or enhancement of allotment facilities in the locality (Park Farm allotments)
Affordable Housing	30% (36 homes) affordable housing on the site at an appropriate mix and with 67% for affordable rent and/or social rent and 33% shared ownership.
Healthcare	Seeks a contribution of £60,757.49 towards the provision and enhancement of facilities at Outwoods Medical Centre and Park View Surgery.
Biodiversity Net Gain	Because it is not clear at this stage that adequate on-site mitigation can be provided, it is possible that off-site provision/compensation will be required. As this may include a financial payment, this will need to be secured within the S106 agreement. The S106 will include the submission of a Biodiversity Impact Assessment.
Highways	<ul style="list-style-type: none"> • Travel pack for the first occupation of each new dwelling

	<ul style="list-style-type: none"> • Six month bus passes (two per dwelling) for the first occupation of each new dwelling • £6,000 towards Travel Plan Monitoring • Appointment of a Travel Plan Co-ordinator
Road link to the adjacent land to the south	To ensure that the development does not sterilise the potential for future development on adjacent land (part of emerging allocation DS3(HA15))

Recommendation B:

That the Planning Inspectorate be informed that the planning application would have been approved by the Borough Council subject to the following conditions and notes:

1. Application for approval of reserved matters shall be made within 12 months of the date of this permission and the development shall be begun not later than 12 months from the final approval of the last of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority: -
 - a. layout,
 - b. scale,
 - c. appearance and
 - d. landscaping.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. The development hereby permitted shall be carried out in accordance with the following plans and documents;
 - Location Plan LBS02/019 dated 3/3/21
 - Proposed Access Arrangement JNY10416-01 Rev I (Appendix B of Updated Addendum to the Transport Assessment, RPS dated 20/12/21)
 - Flood Risk Assessment and Drainage Strategy (WSP, March 2021)
 - Noise Impact Assessment (Cole Jarman, 26/3/18)
 - Air Quality Assessment (WSP, 2021)

REASON: For the avoidance of doubt.

4. The layout details submitted pursuant to condition 2 above shall include:-
 - i) retention of the existing tree belt adjacent to Main Street, Woodthorpe;
 - ii) no new dwellings fronting onto Main Street;
 - iii) a landscaping buffer between the hamlet of Woodthorpe and the new built development;
 - iv) a landscape buffer adjacent to the railway line and the public footpath
 - iv) a road link from the site up to the southern site boundary with the adjacent field.

REASON: To make sure that a satisfactory landscaping scheme for the

development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

5. The details to be submitted pursuant to condition 2 shall include that 10% of new market homes will meet the Building Regulations Part M4(2) standard for being accessible and adaptable. The affordable homes on the site shall meet the M4(2) and/or M4(3) standards for being suitable for wheelchair users, subject to assessment of viability and/or site-specific constraints.

REASON: To meet the needs to the ageing population and people with disabilities and to secure a high standard of amenity for future residents in accordance with emerging Policy H2 of the Charnwood Local Plan 2021-37 and paragraph 130 of the NPPF.

6. The details to be submitted pursuant to condition 2 shall show all units in compliance with the Nationally Described Space Standards and as accessible and adaptable accommodation.

REASON: To secure a high standard of amenity for future residents in accordance with emerging Policy H3 of the Charnwood Local Plan 2021-37 and paragraph 130 of the NPPF.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To protect habitats of importance to biodiversity conservation from any loss or damage and prevent harm to wildlife in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

8. Prior to the first occupation, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by the local planning authority. The scheme shall accord with the recommendation R5 in the Preliminary Ecological Appraisal (Middlemarch Environmental, February 2021) and shall include full details of the proposed lighting and how the scheme has been designed to

avoid illuminating bat sensitive areas. The development shall be implemented, and thereafter maintained, in accordance with the approved scheme.

REASON: To ensure that the development does not cause harm to any protected species or their habitats in accordance with policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

9. Notwithstanding the submitted Biodiversity Impact Assessment Metric (v2), the details submitted pursuant to condition 2 above shall include a Biodiversity Impact Assessment Metric of the proposed layout.

REASON: To protect and enhance habitats of importance to biodiversity conservation from any loss or damage in accordance with policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

10. Full details of a scheme for the location of bat and bird boxes, to be integrated into buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use or occupation of any building with a bat or bird box, the bat and bird boxes shall be installed on that building in accordance with the approved details.

REASON: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF.

11. Notwithstanding the Badger Survey (Middlemarch Environmental, January 2021) a Badger Mitigation Statement shall be submitted with any reserved matters application. The Statement shall include:-

- i) how the development has been designed to avoid disturbance of the existing badger sett ;
- ii) a timetable for updating the badger survey and recommendations for how any increase in on site badger activity would be addressed.

REASON: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

12. Prior to commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include 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. Thereafter, the LEMP shall be carried out in accordance with the approved details.

REASON: To ensure that public areas are maintained at good quality and that drainage systems retain full function and to protect habitats of importance to biodiversity conservation on the site from any loss or damage in accordance with Policies CS2, CS11, CS13, CS15 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF and saved policy EV/1 of the Borough of Charnwood Local Plan.

13. The landscaping details submitted pursuant to condition 2 above shall include:-

- i) the treatment proposed for all ground surfaces, including hard surfaced areas;

- ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;
- iii) finished levels or contours within any landscaped areas;
- iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.
- v) functional services above and below ground within landscaped areas; and
- vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and saved policy EV/1 of the Borough of Charnwood Local Plan.

14. The existing trees and hedgerows identified in the Arboricultural Impact Assessment, (Middlemarch Environmental, February 2021) shall be retained and shall not be felled, lopped, topped or uprooted. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees 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, for a period of 5 years from the date development begins.

REASON: In the interests of the appearance of the area and local biodiversity in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

15. The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:-

- An on-site multi-function green space (0.09ha minimum parks provision and 0.13ha minimum amenity green space)
- An 0.58ha on-site natural and semi open space
- An on-site LEAP facility

REASON: To ensure that the open space needs of future residents are met at a level that complies with Policy CS15 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

16. 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. The development shall thereafter be carried out in accordance with the approved details.

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 Charnwood Local Plan 2011-2028 Core Strategy (2015) and associated national and local guidance.

17. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local planning Authority. The drainage scheme shall be constructed and completed in accordance with the approved plans before

the first occupation of any of the dwellings hereby approved .

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

18. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local planning Authority. The approved details shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent and increase on flood risk, maintain the existing surface water run-off quality, and to prevent damage to the final surface water management system, through the entire development construction phase in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021)..

19. 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. The surface water drainage system scheme shall be thereafter managed and maintained in accordance with the approved details.

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 in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

20. 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.

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

21. The layout details submitted pursuant to condition 2 above shall include a façade noise map identifying potential noise levels at each dwelling within the blue and gold zones shown on Figure 18/0051/F5 (page 19 of the Noise Impact Assessment Report 18/0051/R1 dated 26/3/18). This noise façade map shall be accompanied by a Noise Mitigation Scheme which confirms necessary glazing and ventilation requirements to control noise within habitable rooms and mitigation for external amenity areas to achieve acoustic standards detailed within BS 8233:2014.

Reason: To protect the amenity of future residents in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

22. No development shall take place, including any works of demolition until a Construction Management Plan, has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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, and to ensure the environment is protected during construction in accordance with policies CS2, CS16 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).

23. No part of the development hereby permitted shall be occupied until such time as the access arrangements and off-site improvements shown on RPS drawing number JNY10416-01 Revision I 'Proposed Access Arrangement & indicative internal Layout - Phase 1' have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and to mitigate the impact of development, in the interests of general highway safety and in accordance with policies CS2 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and with the National Planning Policy Framework (2021).

24. No part of the development shall be occupied until such time as the offsite works shown on RPS drawing number JNY11123-RPS-0100-002 Revision A, 'Park road Roundabout Highway Proposals' have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policies CS2 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

25. Notwithstanding the RPS Framework Travel Plan (version 2 dated 05 October 2021) a revised Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The revised Framework Travel Plan shall be implemented fully in accordance with its

content.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policies CS2 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

26. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policies CS2 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).

27. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way (Footpath K35), must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

REASON: In the interests of protecting and enhancing Public Rights of Way and access in accordance with policies CS2 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and Paragraph 100 of the National Planning Policy Framework (2021).

28. No trees or shrubs shall be planted within 1 metre of the edge of the Public Right of Way (Footpath K35). Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

REASON: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with policies CS2 and CS17 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and Paragraph 100 of the National Planning Policy Framework (2021).

Informatives:

1. The Surface Water Drainage Scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment drains 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.

2. Management of Surface Water 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.

3. 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.
4. 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.

5. Standing Advice – National Planning Policy Framework

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

6. Standing Advice – Consent

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

7. Standing Advice – Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Additional information and guidance is available here:

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

8. Local Highways Authority notes:

- Prior to construction, measures should be taken to ensure that users of the Public Right of Way (Footpath K35) are not exposed to any elements of danger associated with construction works.

- 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>.
- 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>.
- The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

