

**To Members of the Council**

Cllr. Nick Chapman (Chairman)  
Cllr. Janet Forey (Vice-Chairman)

Cllr. Shabbir Aslam  
Cllr. Royston Bayliss  
Cllr. Lee Breckon JP  
Cllr. Nick Brown  
Cllr. Adrian Clifford  
Cllr. Cheryl Cashmore  
Cllr. Stuart Coar  
Cllr. Luke Cousin  
Cllr. Tony Deakin  
Cllr. Roy Denney  
Cllr. Alex DeWinter  
Cllr. Susan Findlay

Cllr. Helen Gambardella  
Cllr. Hannah Gill  
Cllr. Nigel Grundy  
Cllr. Paul Hartshorn  
Cllr. Richard Holdridge  
Cllr. Mark Jackson  
Cllr. Becca Lunn  
Cllr. Antony Moseley  
Cllr. Les Phillimore  
Cllr. Terry Richardson  
Cllr. Ande Savage  
Cllr. Tracey Shepherd

Cllr. Dillan Shikotra  
Cllr. Mike Shirley  
Cllr. Roger Stead  
Cllr. Ben Taylor  
Cllr. Matt Tomeo  
Cllr. Bob Waterton  
Cllr. Bev Welsh  
Cllr. Jane Wolfe  
Cllr. Maggie Wright  
Cllr. Neil Wright

Dear Councillor,

A meeting of the **COUNCIL** will be held in the Council Chamber - Council Offices, Narborough on **TUESDAY, 24 SEPTEMBER 2024** at **5.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



**Louisa Horton**  
**Monitoring Officer**

## **AGENDA**

### **SECTION 1 - INTRODUCTION**

To receive apologies for absence, disclosures of interest from Councillors, and Minutes of the previous Council meeting.

1. Apologies for absence
2. Disclosures of Interests from Members

To receive disclosures of interests from Members (i.e. the existence and the nature of those interests in respect of items on this agenda).

3. Minutes (Pages 5 - 10)

To approve and sign the minutes of the meeting held on 16 July 2024 (enclosed).

### **SECTION 2 - STANDARD COUNCIL BUSINESS**

To receive announcements from the Chairman and the statement of the Leader of the Council.

Any reports for consideration listed under this section will be moved in one block without discussion, unless any Member present requests otherwise.

4. Chairman's Announcements
5. Leader's Statement (To Follow)

### **SECTION 3 - PRESENTATIONS TO COUNCIL**

To consider any presentations from Council Officer's or an external body/partner agency.

### **SECTION 4 - QUESTIONS FROM THE PUBLIC & PRESENTATION OF PETITIONS**

To receive questions to Councillors submitted by members of the public and to receive any petitions submitted in accordance with the Council's petitions scheme.

6. Public Speaking Protocol

Requests received by the Protocol deadline to be reported by the Monitoring Officer with details of the Agenda Item to which they relate. (Such persons entitled to use the Protocol attend for the purpose of making representations, answering questions or giving evidence relating to the business of the meeting and the time allocated to each person is a maximum of three minutes unless extended at the discretion of the Chairman).

## **SECTION 5 - MEMBERS' QUESTIONS**

To receive any questions submitted by Councillors.

### **7. Questions from Members**

Any Members wishing to submit questions must do so to the Monitoring Officer no later than 5 working days before the meeting.

The Monitoring Officer will report if any questions have been submitted.

## **SECTION 6 - REPORTS FOR DECISIONS**

To consider any reports submitted for consideration by Council.

### **8. Affordable Housing Contributions (Pages 11 - 14)**

To consider the report of the Housing Services Manager (enclosed).

### **9. Designation of a new Conservation Area in Braunstone Village and the making of a non-immediate Article 4 Direction (Pages 15 - 90)**

To consider the report of the Senior Planning Policy Officer (enclosed).

### **10. Planning Obligations and Developer Contributions (Pages 91 - 156)**

To consider the report of the Development Strategy Manager (enclosed).

### **11. Appointment of Monitoring Officer (Pages 157 - 158)**

To consider the report of the Chief Executive (enclosed).

## **SECTION 7 - MOTIONS/ DEBATES/CONSULTATIONS & MEMBERS' FEEDBACK**

To consider Motions submitted by Councillors, take part in a debate or receive Member feedback from attendance at national briefings, key training initiatives or work on any Outside Bodies.

## **SECTION 8 - EXEMPT REPORTS**

*There are no items of business for consideration under this section.*

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## **COUNCIL**

Minutes of a meeting held at the Council Offices, Narborough

**TUESDAY, 16 JULY 2024**

### **Present:-**

Cllr. Nick Chapman (Chairman)  
Cllr. Janet Forey (Vice-Chairman)

Cllr. Royston Bayliss	Cllr. Nigel Grundy	Cllr. Mike Shirley
Cllr. Nick Brown	Cllr. Richard Holdridge	Cllr. Roger Stead
Cllr. Cheryl Cashmore	Cllr. Mark Jackson	Cllr. Ben Taylor
Cllr. Stuart Coar	Cllr. Becca Lunn	Cllr. Bev Welsh
Cllr. Tony Deakin	Cllr. Antony Moseley	Cllr. Jane Wolfe
Cllr. Roy Denney	Cllr. Les Phillimore	Cllr. Maggie Wright
Cllr. Alex DeWinter	Cllr. Terry Richardson	Cllr. Neil Wright
Cllr. Susan Findlay	Cllr. Ande Savage	
Cllr. Helen Gambardella	Cllr. Tracey Shepherd	

### **Officers present:-**

Julia Smith	- Chief Executive
Sarah Pennelli	- Executive Director - S.151 Officer
Marc Greenwood	- Executive Director - Place
Paul Coates	- Neighbourhood Services Group Manager
Linda Durham	- Solicitor & Deputy Monitoring Officer
Katie Brooman	- Elections and Governance Manager
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Isaac Thomas	- Democracy Support Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

### **Apologies:-**

Cllr. Shabbir Aslam, Cllr. Lee Breckon JP, Cllr. Adrian Clifford, Cllr. Luke Cousin,  
Cllr. Hannah Gill, Cllr. Paul Hartshorn, Cllr. Dillan Shikotra, Cllr. Matt Tomeo and  
Cllr. Bob Waterton

**36. DISCLOSURES OF INTERESTS FROM MEMBERS**

**Cllr. Cheryl Cashmore** - Item 11 – Fosse Meadows Lease of Land

Nature of Interest - None Registerable Interest.

Extent of Interest - Family member owns coffee van on the site.

**37. MINUTES**

The minutes of the meeting held on 21 May 2024 as circulated, were approved and signed as a correct record.

**38. CLLR. JANET FOREY - DECLARATION OF ACCEPTANCE OF OFFICE**

Cllr. Janet Forey read out the Declaration of Acceptance of Office and thanked Members for the privilege and honour of being elected as Vice-Chairman of the Council for 2024/25.

**39. CHAIRMAN'S ANNOUNCEMENTS**

The Chair, Cllr. Nick Chapman made announcements in respect of the following:

- Attended a meeting with Mike Kapur, the Lord Lieutenant for Leicestershire, along with other civic leaders to discuss plans for the upcoming year on 5 June 2024.
- Planted an English Oak Tree at Normandy Green in Glenfield on 6 June 2024. The turnout for this event was heartwarming, with many members of the community coming together to witness the symbolic act.
- Attended the Sharnford Fete, where I had the pleasure of presenting the Jubilee Cup to Margaret Sanders in recognition of her remarkable 50 years of service on the Evergreen Hall committee on 9 June 2024.
- Attended the Thurlaston Carnival on 22 June 2024.
- The Chairman had the honour of hosting veterans and other community members at the council offices for Armed Forces Week. It was a humbling experience to raise the flag in their honour and spend time conversing with the veterans and volunteers from the Royal British Legion On the 24th of June 2024.
- Attended Jubilee Square for the Armed Forces parade.
- Visited 'A Place to Grow' and was deeply moved by the incredible work being done there.
- On the 8th of July, I attended the Framework Knitters fundraising event in Wigston on the 8 July 2024.
- On the 11 July 2024 the Chairman attended the Annual Warning Zone

Osprey Evening which was a Drinks Cruise aboard the Rutland Belle on Rutland Water hosted by Warning Zone, a charity established in 2012, which educates children and young people through engaging, interactive methods to help reduce the risks of death, injury, crime, antisocial behaviour, bullying, harmful relationships, grooming, and various forms of online and offline coercion and control.

**40. LEADER'S STATEMENT**

The Leader, Cllr. Terry Richardson presented his statement in respect of the following:

- General Election 2024 & The Debate Not Hate Campaign
- Hinckley National Rail Freight Interchange recommendation
- Youth Council Activities
- Braunstone Conservation Area Proposals
- Hayes Gardens public engagement
- Ice House Tours and new Childrens Trails
- Solar Together latest round launched

Cllr. Nick Brown thanks the elections department for the smooth delivery of the 2024 General Election.

**41. CONSTITUTIONAL AMENDMENTS - PLANNING CODE OF GOOD PRACTICE**

Considered- Report of the Senior Democratic Services & Scrutiny Officer.

**DECISION**

That the Planning Code of Good Practice at Part 5, Section 2 of the Constitution be adopted.

Reason:

The Council must ensure that it has an up-to-date and current Constitution that accurately reflects the way that the Council operates.

**42. GREEN CIRCLE PRESENTATION**

*Cllr. Stuart Coar left and returned to the meeting during this item.*

Members received a presentation from Professor Sarah Gabbot, Ian Reitdijk & Beth Traae who were representing Green Circle.

The presentation covered the following points:

- What Green Circle do
- Who they work with
- Their aims for Fosse Meadows
- How they would like to improve the visitor experience
- Photograph of their work so far
- Income streams
- Future plans should the lease be granted

#### **43. PUBLIC SPEAKING PROTOCOL**

No requests were received.

#### **44. QUESTIONS FROM MEMBERS**

No questions were received.

#### **45. FOSSE MEADOWS LEASE OF LAND**

Cllr. Cheryl Cashmore, having earlier declared an interest in this item, left the meeting for consideration of the item and returned when the agenda item had been concluded.

Considered - Report of the Executive Director (Section 151 Officer), presented by Cllr. Nigel Grundy, Neighbourhood Services & Assets Portfolio Holder.

### **DECISIONS**

1. That the principle of entering into a long term lease of the land at Fosse Meadows Strategic Park to Green Circle CIC be approved.
2. That delegated authority to given to the Executive Director (S151 Officer) in consultation with the Neighbourhood Services and Assets Portfolio Holder to agree terms and conclude the legal arrangements.

Reasons:

1. The leasing of Fosse Meadows Strategic Park will enable Green Circle CIC to make improvements to the site; enable grant applications to be made and resources to be available to restore and conserve the site for biodiversity whilst also providing an accessible site for people to connect with nature. The Council will also benefit from revenue savings and this initiative supports the site becoming financially sustainable.
2. The agreement of terms and legal arrangements will allow the Council to

benefit from the lease arrangements whilst protecting its interest in the park.

**46. RECOMMENDATIONS OF THE CABINET EXECUTIVE: TREASURY MANAGEMENT OUTTURN 2023/24**

Considered - Report of the Finance Group Manager, presented by Cllr. Maggie Wright, Deputy Leader and Finance, People & Performance Portfolio Holder.

**DECISIONS**

1. That the treasury management activities for 2023/24 be approved.
2. That the prudential and treasury indicators for 2023/24 be approved.
3. That the delegated decision taken to transfer proceeds from asset sales in the Lothbury Property Trust into the UBS Triton fund be noted.

**Reasons:**

1. The regulatory framework governing treasury management activities includes a requirement that the Council should produce an annual review of treasury activities undertaken in the preceding financial year. It must also report the performance against the approved prudential indicators for the year.
2. This report fulfils the requirement above and incorporates the needs of the Prudential Code to ensure adequate monitoring of capital expenditure plans and the Council's prudential indicators. The treasury strategy and prudential indicators for 2022/23 were contained in the report approved by Council on 22nd February 2023.

**47. MODERN SLAVERY STATEMENT 2024**

Considered - Report of the Customer Insight, Experience and Engagement Service Manager, presented by Cllr. Terry Richardson - Leader of the Council.

**DECISION**

That the Modern Slavery Statement at Appendix A be adopted.

**Reasons:**

1. It is a requirement of the Modern Slavery Act 2015 that organisations with

a turnover of £36m or more publish a statement on their approach to ensuring that there is no modern slavery in their own business and their supply chains. Although Blaby District Council is under no legal obligation to publish a statement, the Local Government Association is encouraging all local authorities to produce an annual statement ensuring transparency in their approach to modern slavery and human trafficking.

2. The Modern Slavery Act also includes a number of provisions for local authorities. Section 52 of the Act places a duty to identify and report potential victims through the National Referral Mechanism (NRM). Depending on the age and needs of victims of modern slavery, councils may also have statutory responsibilities to provide support to them.
3. Relevant policies should reflect the councils agreed approach to tackling modern slavery and human trafficking to ensure that this statement is successfully delivered.

**THE MEETING CONCLUDED AT 6.44 P.M.**

## Blaby District Council Council

<b>Date of Meeting</b>	24 September 2024
<b>Title of Report</b>	<b>Affordable Housing Contributions</b> This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Les Phillimore - Housing &amp; Community Services</b>
<b>Report Author</b>	Housing Services Manager
<b>Strategic Themes</b>	All Themes: Enabling communities and supporting vulnerable residents; Enhancing and maintaining our natural and built environment; Growing and supporting our economy; Keeping you safe and healthy; Ambitious and well managed Council, valuing our people

### 1. What is this report about?

- 1.1 To ask Members to support the proposed contribution of funds towards an all affordable, supported housing scheme for people suffering with Mental Health issues.

### 2. Recommendation(s) to Council

- 2.1 That Members approve a further allocation of £57,835 towards a proposed 15 unit all affordable scheme for people suffering with mental health at Grove Road, Blaby.

### 3. Reason for Decisions Recommended

- 3.1 To ensure that funds previously allocated for affordable housing and commuted sums paid in lieu of affordable housing are utilised in the most appropriate and efficient way.
- 3.2 To ensure that the above funds are used to enable the delivery of affordable housing.

### 4. Matters to consider

#### 4.1 Background

Members will recall from previous reports that the Council holds funds that are ring-fenced for affordable housing delivery. These funds consist of commuted

sums, garage sale receipts and a small amount of New Homes Bonus. The table below details the current balance of these funds:

<b>Receipt</b>	<b>Amount</b>
New Homes Bonus	£13,278.00
Capital Receipts (Garage Site Sales)	£224,635.00
S106 Contributions (Uncommitted)	£317,586.52
<b>Total</b>	<b>£555,499.52</b>

Table 1 – Balance of funds held for affordable housing

In November 2015 Council approved that funds previously allocated for affordable housing would be utilised in the most appropriate and efficient way, examples of which were contained in the November 2015 report of the Principal Housing Strategy Officer, these being:

- Contributions to the Council's Rural Exception Site Programme.
- Contributions to new all affordable housing developments.
- Contributions to specialist supported accommodation such as Extra Care schemes for the ageing population and Foyer schemes for Young People.
- Bridging Registered Provider capacity gaps on major schemes.
- Any other affordable housing projects / schemes deemed appropriate by the Strategic Housing Team in consultation with the Group Manager for Planning and Economic Development and the Group Manager for Housing and Community Services

### **Grove Road, Blaby**

The scheme at Grove Road, Blaby is being developed in partnership by Nottingham Community Housing Association (NCHA) (who are one of the Councils preferred Registered Providers and own a significant number of affordable homes in the District) and Norton Housing and Support (Norton) who have successfully been providing supported accommodation for adults with mental health difficulties for over 35 years in the Leicester and Leicestershire area.

The proposed scheme will consist of 15 x 1 bed self-contained apartments, specifically for people suffering with mental health issues. It meets the following strategic priorities set out in the Councils adopted Housing Strategy (2020 – 2025), namely:

- Increasing the supply of Affordable Homes
- Provide Specialist Housing for Vulnerable Groups
- Prevent Homelessness and end Rough Sleeping

There are currently 101 single people on the Councils housing register that have a diagnosed mental health condition, this represents 33% of all applications from single households. Since April 2024 the Council has provided temporary accommodation for over 34 single homeless households, at the time of being



accommodated, 18 of those households were suffering with a mental health related illness.

In January 2022 Members approved a contribution of £75,000 towards the proposed scheme at Grove Road, Blaby. The scheme build was progressing well until January 2024 when work on site ceased due to the winding up of the contracted developer.

Norton were able to engage with a new developer to complete the scheme. The result of this is that the new contractor must take all the contractual liability and warranty risk for partially completed work as well as the remaining build costs which is an uplift in the costs.

#### **4.2 Proposal**

To approve a further contribution of £57,835 towards the total deficit £173,505, a further third has been met with additional grant already agreed with Homes England and the remaining balance from Norton themselves.

This further commitment will result in the Council's total contribution to the scheme being £132,835 which breaks down to £8,856 per unit which still represents value for money compared to previous contributions and taking account of the cost of much needed specialist accommodation of this kind.

#### **4.3 Relevant Consultations**

- Portfolio Holder for Environmental Health, Housing and Community Services
- Executive Director – Communities

#### **4.4 Significant Issues**

None

### **5. What will it cost and are there opportunities for savings?**

- 5.1 The costs are confirmed at 2.1. These are funds already ring-fenced for affordable housing.

### **6. What are the risks and how can they be reduced?**

- 6.1 If this funding is not approved there is a risk that the scheme would be unviable and not be completed.

### **7. Other options considered**

- 7.1 No other option has been identified.

## **8. Environmental impact**

- 8.1 There is no environmental impact as a result of this report, the Environmental Impact of the delivery of the scheme will be considered as part of the Planning Application process.

## **9. Other significant issues**

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

The delivery of Affordable units has a positive impact on our equalities agenda ensuring that there is provision of affordable homes.

## **10. Appendix**

- 10.1 None.

## **11. Background paper(s)**

- 11.1 Council Report November 2015 "Affordable Housing Contributions"  
11.2 Council Report January 2022 "Affordable Housing Contributions"

## **12. Report author's contact details**

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## Blaby District Council Council

<b>Date of Meeting</b>	24 September 2024
<b>Title of Report</b>	<b>Designation of a new Conservation Area in Braunstone Village and the making of a non-immediate Article 4 Direction.</b>  This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Ben Taylor - Planning Delivery and Enforcement &amp; Corporate Transformation</b>
<b>Report Author</b>	Senior Planning Policy Officer
<b>Strategic Themes</b>	All Themes: Enabling communities and supporting vulnerable residents; Enhancing and maintaining our natural and built environment; Growing and supporting our economy; Keeping you safe and healthy; Ambitious and well managed Council, valuing our people

### 1. What is this report about?

- 1.1 The purpose of this report is to provide an update following a public consultation on creating a new Conservation Area covering the historic village core of Braunstone, and to seek approval to formally designate the area.
- 1.2 Associated with the designation, authorisation is sought to proceed with a 'non-immediate' Article 4 direction on specific properties within the area. If implemented following further consultation, this would remove some Permitted Development rights on these properties to help ensure the preservation and enhancement of the historic character of the area.

### 2. Recommendation(s) to Council

- 2.1 To formally designate the new Braunstone Village Conservation Area, which is shown in Appendix A.
- 2.2 To prepare and make a 'non-immediate' Article 4 Direction removing some Permitted Development rights to specific properties as detailed in the Conservation Area Management Plan (Appendix C).
- 2.3 That the Constitution be amended accordingly to grant delegated authority to the Planning & Strategic Growth Group Manager in consultation with the relevant portfolio holder for the determination of Article 4 directions.

### **3. Reason for Decisions Recommended**

- 3.1 To progress the motion made by Council in November 2021 to consider the merits of a Conservation Area in this location and following the recent public consultation.
- 3.2 To consider the introduction of further planning controls in the interest of the historic character of the area.
- 3.3 To ensure clarity of decision making.

### **4. Matters to consider**

#### **4.1 Background**

##### Context and History

On 23<sup>rd</sup> November 2021, following interest and research by local residents, a motion was passed by Council to consider the merits of a Conservation Area in this location and to work in partnership with Braunstone Town Council to assist with a public consultation and the preparation of a character appraisal.

Blaby District Council engaged in discussions with Braunstone Town Council and enlisted the services of Leicester City Council's Historic Environment team to assess the potential for designation and advise on the necessary procedural matters. A Character Appraisal was prepared along with a draft Management Plan to aid with the future upkeep and improvement of the area (Appendices B and C).

##### Designation Process

Local authorities have the power to designate new conservation areas under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990. This requires that from time to time they determine which parts of their areas are of special or historic interest and should be designated.

As detailed in the Character Appraisal (Appendix B), there is considered to be a critical mass of surviving historic townscape, and that there is sufficient heritage significance to justify additional planning controls. The proposed boundary has been drawn in such a way to minimise the inclusion of properties that are of lower heritage significance, such as more modern or architecturally unremarkable buildings, however some of these are included to ensure that development in critical locations will be considered properly in terms of the broader townscape qualities of the area.

There is evidence of incremental change in this area, with the loss of more traditional building features and materials, as well as small scale developments that are more visually harmful. The area can be seen as being close to a tipping point in terms of this change, with the expanded permitted

development rights for non-conservation area properties providing a heightened risk. Potential new planning controls that would come with conservation area designation are detailed in the Management Plan (Appendix C).

The controls in the Management Plan include the imposition of an Article 4 Direction. This would further restrict Permitted Development rights on specific properties (19 in total), so that permission would be required for many minor works as well. This would include restrictions on erection of porches, alterations to roofs, additional areas of hardstanding, more general alterations to buildings (e.g. doors and windows and external painting), and the erection of boundary treatments. It would not prevent development, but mean that such works can be properly assessed through a planning application. It is proposed that a 'non-immediate' Article 4 direction is made to allow further feedback on this measure before a decision is made whether to implement. This process is set out further in 'next steps' section below.

A new conservation area would help ensure new development was sensitive to the historic character of the area, but it would come with costs. An additional workload for the Planning Department would be created from planning applications relating to work that would otherwise have been permitted development, as well as conservation area guidance and potential planning enforcement on works that have become unauthorised. In addition, property owners will have additional costs relating to potentially preparing planning applications and/or potentially more expensive sourcing of higher quality materials for building repairs. However, research by Historic England has concluded that conservation area status can increase the value of properties.

To achieve broader efficiencies, the Management Plan proposes joint working with Leicester City. The existing Braunstone Village Conservation Area is located within the administrative boundary of Leicester City Council. The two areas are adjacent to each other and combine to cover the totality of the historic village.

### Consultation

Although not strictly required by the relevant Planning Act, a public consultation on the proposed conservation area, including the draft Appraisal and Management Plan, was carried out between 4 June and 16 July 2024. The consultation involved sending letters to each property in the area, erecting site notices, hosting a drop-in event at Shakespeare Park Sport Pavilion, issuing a press notice, and publicising details of the consultation on the Council's website.

32 individual letters and forms were received, as well as 2 letters with multiple signatories (11 and 8 signatures respectively). The responses, and any changes made to the proposals as a result are detailed in the Consultation Statement in Appendix D.

In summary, a substantial majority of responses were in support of the proposals. Respondents commented that the conservation area as drawn would help preserve and enhance the historic and architectural character of the area, and that the Appraisal and Management Plan are sound and suitable. It was commented that joining onto the existing Conservation area on the Leicester side would be beneficial in preserving the historic interest of the area and correct an anomaly from when only part of the village was designated.

Further detailed historical information and photos were provided in responses, as well as queries regarding the map presentation and corrections of errors. These have been noted and where suitable the appraisal has been amended.

Two objections were received relating to the inclusion of land to the rear of the Manor within the proposed conservation area boundary (part of which is subject to current planning application 20/1373 for redevelopment comprising 13 dwellings). Concerns were raised that the area is not justified for inclusion as it lacks special architectural and historic character, contrary to national policy and guidance for designation, and that the area is unused and has modern buildings on it. These issues have been carefully considered, however it remains the view that reasons for the boundary line position are robust and follows best practice in the way it is drawn.

In the objections, concerns of costs as a result of additional requirements for planning permission were raised. The building subject of the comments is non-domestic however, and therefore already only has very limited Permitted Development rights. As such, the need to apply for planning permission and associated fees would not be significantly affected. It is acknowledged additional consideration to design and materials would need to be given, however the extent of any additional costs is uncertain depending on the development proposed and with consideration to the existing nature of the buildings. Overall it was considered these issues do not affect the proposed boundary or justification for including this area.

Concerns of development in the area were also raised. These comments were noted however where they were identified to also be in relation to the current planning application (20/1373) they were forwarded to the Case Officer for consideration.

The consultation ran at a similar time to one carried out by Leicester for a new character appraisal on the existing Conservation Area in Braunstone (between 8 July and 19 August). The responses and actions as a result of this however have not affected the proposals on the Blaby District Council side.

### Next steps:

The new Conservation Area comes into effect on the date of the Council decision to make the designation. If approved, there is a statutory requirement that the Council publicise the Designation by a notice in the Leicester Mercury and London Gazette, as well as notifying the Secretary of State and Historic England. The new Conservation Area must also be registered as a Local Land Charge. Although not a statutory requirement, the Council will send a letter to all addresses in the new conservation area detailing that the status has been agreed, along with guidance on works going forward.

With designation of the conservation area, a 'non-immediate' Article 4 Direction is proposed. This applies to specific properties (19 in total, as listed in Appendix 2 of the Management Plan) and would restrict Permitted Development rights further as an additional control.

The Direction would be prepared and made immediately following designation of the conservation area, however would not come into force for a period of 12 months.

Prior to coming into force there would be a 6 week consultation involving letters to the affected properties, site notices and a press notice. It would also be necessary to confirm within 6 months of making the direction (i.e. immediately following the conservation area designation) whether it is decided to proceed with its implementation or allow it to lapse, in light of any representations to received.

#### 4.2 Proposal(s)

That Council agree to designate the Braunstone Village Conservation Area as shown in Appendix A, and to proceed with a non-immediate Article 4 Direction as set out in the Management Plan (Appendix C).

#### 4.3 Relevant Consultations

As detailed in the report a public consultation has been carried out on the proposals. If agreed, a further focussed consultation on the non-immediate Article 4 will be carried out following designation of the conservation area.

#### 4.4 Significant Issues

In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate and there are no areas of concern.

Consideration has been given to issues relating to Equalities. An Equality Impact & Needs Assessment has been completed for the proposal.

## **5. What will it cost and are there opportunities for savings?**

- 5.1 As reported previously prior to the consultation there has been a fee of £5,427 to procure the services of Leicester City Council's Historic Environment Team to provide technical support including the preparation of the Character Appraisal and Management Plan.

No further significant costs are expected, only for the printing and posting of letters and press notices that will be required in relation to the non-immediate Article 4 direction consultation. These are costs associated with staff resources and have already been provided for within the existing budget.

- 5.2 The imposition of the article 4 direction whilst not purporting to generate funds; may generate some minor additional income for the Council by virtue of additional minor planning applications which would have previously been permitted development, such as extensions to dwellinghouses, the laying of hard surfacing and the erection of boundary treatments.

## **6. What are the risks and how can they be reduced?**

Current Risk	Actions to reduce the risks
Failure of duty to consider the merits of a conservation area in this location, in accordance with national legislation.	The case for designating the conservation area has been made in the appraisal and management plan and is considered robust. If however there are concerns or reservations regarding designation, these can be considered further, albeit resulting in a delay to any decision to designate.
Non-immediate Article 4 consultation is carried out incorrectly.	Continued liaison with Leicester City's Historic Environment team to ensure process is duly followed. Continued liaison with Braunstone Town Council to raise awareness and facilitate consultation.

## **7. Other options considered**

To not designate the proposed conservation area.

This could be considered contrary to the motion passed by Council to consider the merits of a conservation area in this location, as the work carried out to date considers the justification for the designation is robust. A decision would need to be made if to continue work on identifying an area to potentially designate.

## **8. Environmental impact**

- 8.1 The proposal may help preserve or enhance the historic environment in this area. No other significant environmental impacts identified.



## 9. Other significant issues

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.
- 9.2 An Equality Impacts Needs Assessment has been completed for this report and is included as a background paper.

## 10. Appendix

- 10.1 Appendix A - Map of Designation Area.
- 10.2 Appendix B – Braunstone Village Conservation Area Character Appraisal
- 10.3 Appendix C – Braunstone Village Conservation Area Management Plan
- 10.4 Appendix D – Consultation Statement

## 11. Background paper(s)

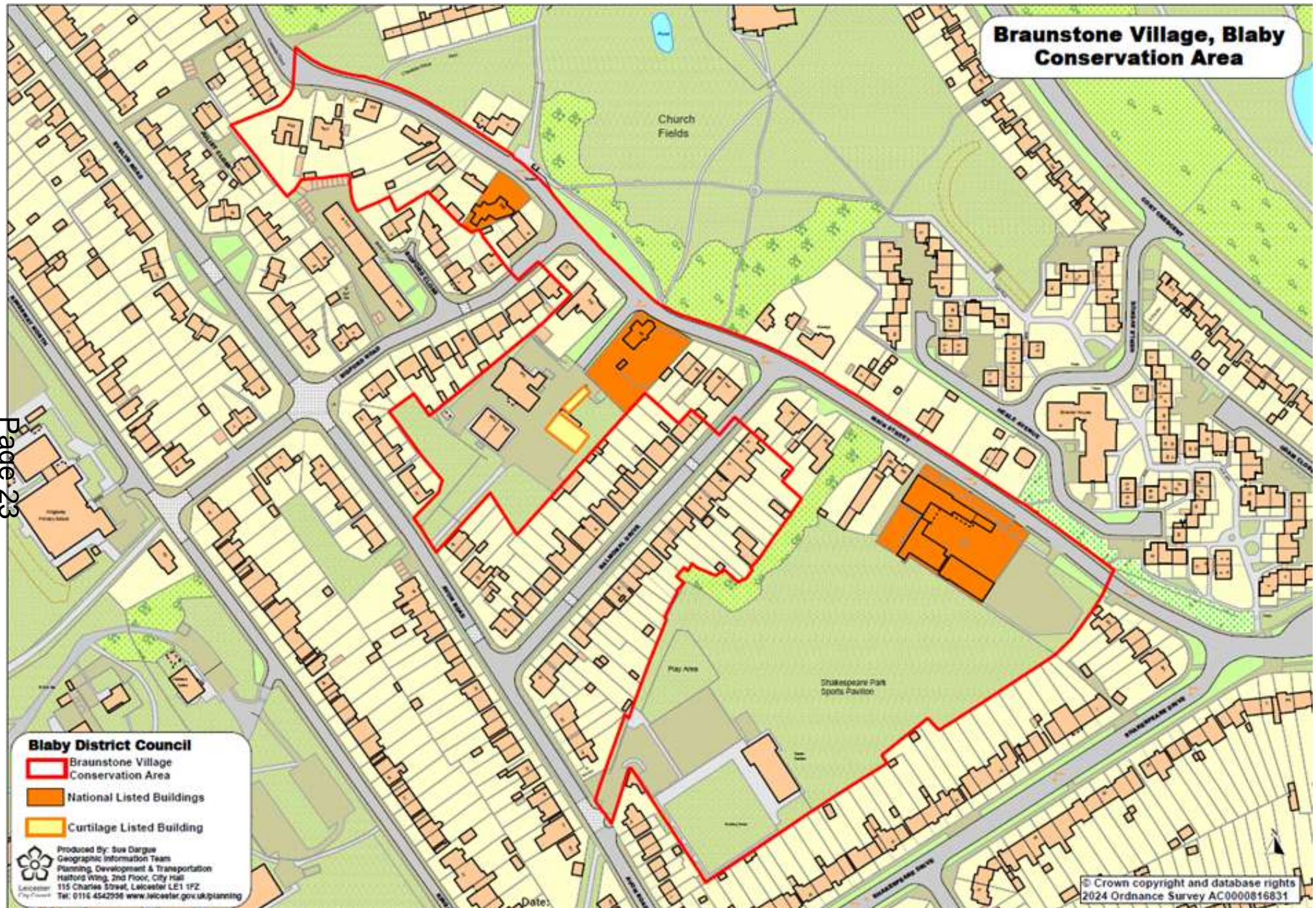
- 11.1 Equalities Impact and Needs Assessment (EINA)
- 11.2 Environmental Impact Checklist

## 12. Report author's contact details

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Braunstone Village Conservation Area  
**CHARACTER APPRAISAL**

2024





VILLAGE STREET, BRANLITON  
J.W.N.C. (31)

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## 1 Introduction

- 1.1 It is the duty of local planning authorities from time to time to prepare and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas, commonly referred to as Character Appraisals.
- 1.2 The Braunstone Village Conservation Area Character Appraisal aims to set out the area's special architectural and historic interest, the character and appearance of which is desirable to preserve and enhance.
- 1.3 This appraisal will be used to help inform the design of any future development proposals in the area. It is not the purpose of a conservation area to prevent change, but to manage it in ways that maintain and strengthen an area's special qualities.
- 1.4 It is important to note that no appraisal can ever be completely comprehensive and that the omission of a particular feature, building or open space should not be taken to imply that it is of no interest.

## 2 Background, Designation, and Structure

- 2.1 The District of Blaby contains 12 conservation areas, the oldest of which were designated in 1972. The Braunstone Village Conservation Area designated by Blaby District Council on the 24<sup>th</sup> of September 2024. The Conservation Area of the same name that is located across the boundary in the administrative are of Leicester City Council was first designated on the 29<sup>th</sup> of January 1974.
- 2.2 The section of the historic village of Braunstone north of Braunstone Lane, falling within the jurisdiction of Leicester City Council, was designated as a conservation area in 1974.
- 2.3 This Character Appraisal was prepared to support the designation of a conservation area for the historic village of Braunstone on the southern side of Braunstone Lane, which lies within the jurisdiction of Blaby District Council.
- 2.4 This appraisal is structured to include:
  - A summary of designation,
  - Policy Background,
  - A definition of the special interest of the area via a spatial and character analysis, historical development, and important features.



### 3 Planning Policy Framework

- 3.1 The concept of 'conservation areas' was first introduced by the Civic Amenities Act (1967) which defined a conservation area as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.'
- 3.2 The definition remains unchanged in current legislation, set out in the **Planning (Listed Buildings and Conservation Areas) Act 1990**. The Act places duties on local planning authorities:
- To identify those parts of their area that are of special architectural or historic interest and to designate them as conservation areas,
  - To review past designations from time to time,
  - To prepare proposals for the preservation and enhancement of conservation areas,
  - To pay special attention to the desirability of preserving and enhancing the character and appearance of conservation areas when determining planning applications for sites within such areas.
- 3.3 The effect of designation means that planning permission is required for the demolition of buildings, with some minor

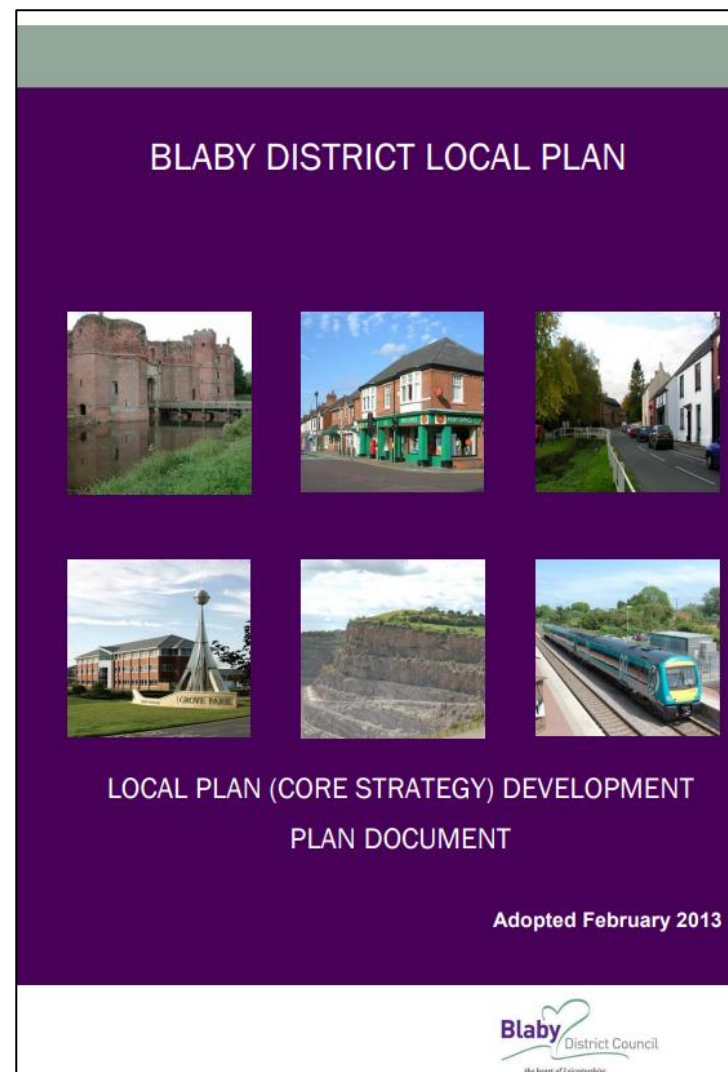


Image 1: Blaby District Core Strategy (2013).

exceptions. There are also stricter controls on changes that can be made to buildings and land, and protection for trees.

3.4 Government policy is provided in the **National Planning Policy Framework (NPPF)**. It requires the significance of heritage assets – both historic buildings and historic areas – to be understood by local authorities and by those who propose change. Changes that cause harm to significance will only be permitted where the harm is outweighed by public benefits. Further guidance on the use of the NPPF is provided in the National Planning Practice Guidance and in guidance published by Historic England.

3.5 The protection and positive use of the historic environment within new development is a theme which runs through the **Blaby District Core Strategy**. It is mentioned as a key component in Policies CS2, CS12, CS14, and CS16 and is the subject of a comprehensive policy on the Historic Environment and Culture CS20 and in the Blaby District Local Plan Delivery DPD in Development Management Policy 12 (Designated and Non-designated Heritage Assets).

3.6 There is a general presumption against the demolition of buildings that make a positive contribution to the character or appearance of a conservation area, and the policy expects new developments and conservation-led regeneration to reflect the character and value of the historic environment.

3.7 Both local and national policy puts the emphasis on the enhancement of heritage assets and positive contribution to the local character and distinctiveness of an area that should be made through new development.

3.8 This Character Area Appraisal has been created with reference to relevant guidance found in the NPPF, PPG and utilises methodology outlined in **Historic England Advice Note 1 (2<sup>nd</sup> Ed) – Conservation Area Appraisal, Designation and Management**.

## 4 Summary of Special Interest

- 4.1 The Conservation Area preserves the southern core of the ancient settlement of Braunstone which was first recorded in the Domesday Survey of 1086.
- 4.2 It contains arguably the oldest surviving domestic buildings of the original village, several of which can be dated to the 17<sup>th</sup> century.
- 4.3 Although no longer in agricultural use, there are examples of former farmsteads preserved to different extents within the built form of the village as physical reminders of the once rural nature of the settlement. Demonstrating the changing character of the area as suburban development grew.
- 4.4 Although modern development has taken place within the historic core, it manages to retain a sense of its village origins, principally due to the natural meanders of Braunstone Lane.
- 4.5 Although some 20<sup>th</sup> century development has caused harm and detracts from the area, there are examples of high-quality inter-war architecture which add their own contribution to the understand and appreciation of Braunstone.



Image 2: View looking south-east along Braunstone Lane.

## 5 Location and Setting

- 5.1 Braunstone Village is one of six former villages located outside the historic core of Leicester, which became enveloped by suburban expansion in the nineteenth and twentieth centuries.
- 5.2 The village is likely Saxon in origin and was founded on section of glacial sands and gravels less than a mile west of Fosse Way and on the southern verge of the once extensive Leicester Forest. The superficial geology of the area is mostly boulder clay, with small areas of gravel and light sand to the east. The land is undulating, gradually rising westwards to a height of about 90 meters (300 feet) above sea level.
- 5.3 The area was historically associated with Braunstone Park and Braunstone Hall, located to the immediate north-east, albeit physically divided by modern development. Historically, the entire village settlement formed part of the parish of Braunstone, which lay within the jurisdiction of Blaby Rural District Council. In 1935 the city boundaries were amended, and a large section of the former Winstanley Estate in Braunstone was incorporated into the city administration boundary. The remaining parts of the village, principally the land south-west of Braunstone Lane, remained within the District Council.
- 5.4 The open space around the historic village was heavily developed during the post-war period. The land to the

north-west, south-west and south-east is occupied by twentieth century housing laid out in a loose grid pattern which encloses the conservation area of three sides.

- 5.5 The conservation area is located on the north-eastern edge of Blaby District covering an area of approximately 5 hectares (just less than 12.5 acres). It is bounded by Braunstone Lane and Main Street to the north, Shakespeare Drive to the south-east, and Avon Road and Evelyn Road to the south and west.



*Image 3: Gibbons Map (1903) showing village in context with Braunstone Hall and Park.*



## 6 Historic Development

- 6.1 The settlement of Braunstone is most likely Saxon in origin, established around the late 8<sup>th</sup> or early 9<sup>th</sup> century AD as a ‘daughter’ settlement of Glenfield. Archaeological evidence suggests this early medieval settlement was possibly located on land immediately south of St Peter’s Church in an area now known as Church Field.
- 6.2 The first recorded mention is in the Domesday Survey, where it was referred to as “*Brantestone*” meaning the place where Brant settled. At this time, it was held by Robert Burdet under Hugh de Grandmesnil, comprised of eight households, and considered to be worth 60 shillings. De Grandmesnil was a proven companion of William the Conqueror who fought in the Battle of Hastings and went on to be a great landowner in England. The mention of “*socmen*” as part of the entry indicates the presence of Scandinavian serfs in the village.<sup>i</sup>
- 6.3 The village sat on the edge of what was once the ancient Leicester Forest, which covered extensive lands to the north. Timber from the forest would have been a valuable resource and primary construction material for the local building stock. The woodlands were gradually converted to pastures and Leicester Forest was fully enclosed by 1628. Bendbow Spinney remains the only surviving remnant of this former natural asset.<sup>ii</sup>
- 6.4 Between the 13<sup>th</sup> and 16<sup>th</sup> centuries the Harcourt, or Horecut, family held an over-riding interest in the Braunstone Estate. A survey taken in 1299 documented 24 households in the village. A Manor House, first mentioned in documentary sources the same year, and defined as “*the capital messuage with herbage and fruit garden*” is thought to have originally stood between the Church and Braunstone Lane. It was demolished around the turn of the 17<sup>th</sup> century and a new Manor House was built by Henry Hastings on Braunstone Lane, close to the site of Old Hall Farm (now demolished).
- 6.5 What is now the Church of St Peter was purpose-built in the twelfth century as a private chapel for The Lord of the Manor and referred to as the Chapel of Ease for the Manor and Parish of Glenfield.<sup>iii</sup> The close physical connection of the ecclesiastical facility to the former Manor House physically demonstrated its ‘private’ function.
- 6.6 Until the late 16<sup>th</sup> century, Braunstone was a village dominated by open-field cultivation, with the core of the settlement formed along Coalpit Lane (now Braunstone Lane). It was given this name “due to the packhorses bringing coal to Leicester from the Swannington coalfield”.<sup>iv</sup> In the late 16<sup>th</sup> century the old agricultural routine of the village was broken up by the widespread conversion of arable land to pasture, followed in the early 17<sup>th</sup> century by the inclosure of Leicester Forest.<sup>v</sup>

- 6.7 By 1483, The Manor was held by the well-known Yorkist William Hastings, who likely received the land as a grant from Edward IV.
- 6.8 Due to the loss of a substantial amount of money as a result of the Civil War, the Hastings family were forced to sell the estate. In the mid-17<sup>th</sup> century, it was acquired by the Winstanley family from Lancashire for the total sum of £6,000. They had a significant impact on the broader area of Braunstone for the next three centuries, defining the economic and social history of the wider locality.<sup>vi</sup>
- 6.9 In 1670, there appears to have been 28 households in Braunstone, a comparable number to a century earlier, meaning that some recovery had taken place since the depopulation episode.<sup>vii</sup> The 18th century was a period of relative prosperity. At the time, Braunstone became a fashionable spot for foxhunting; the remnants of wide ditches and deer leaps designed to control stags for hunting still survive on Cressida Place.
- 6.10 In 1775, Clement Winstanley, High Sheriff of Leicestershire in 1774, commissioned a new Manor House to be set within 40 hectares (100 acres) of parkland, now known as Braunstone Park. Braunstone Hall was constructed to the designs of the local builder and politician James Oldham, who later became the Lord Mayor of Leicester.<sup>viii</sup> The new hall marked the centre of a sizeable country estate, its immediate surroundings comprising of a well wooded park, featuring a lake and a series of ornamental gardens.



Image 4: 17<sup>th</sup> century map of the county.

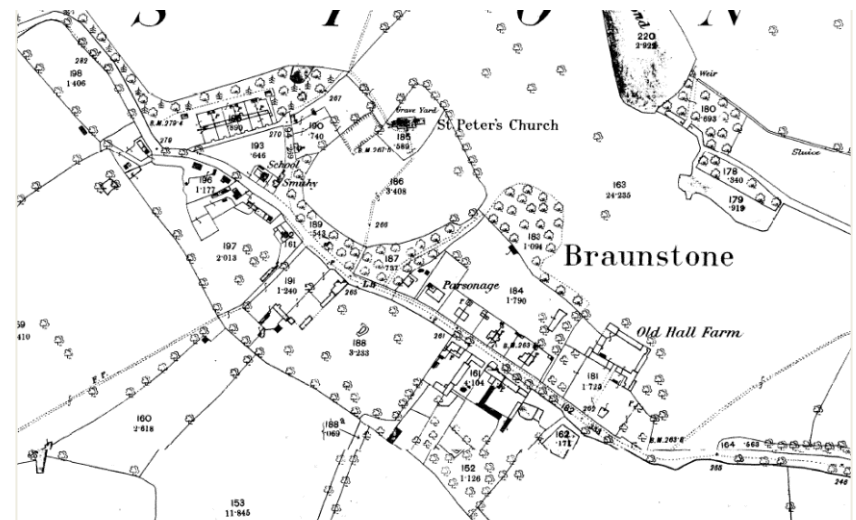


Image 5: OS Map of the village from 1884.

- 6.11 The prosperity of what remained a small agricultural village continued up to the 19th century. Beside some localised home-based framework-knitting and few tradesmen active in the area, Braunstone remained largely unaffected by the rapid industrial growth of the adjacent town of Leicester, which would engulf the villages of Aylestone, Belgrave, Humberstone, Evington and Knighton throughout the century.<sup>ix</sup>
- 6.12 In early 1800s, the local population barely exceeded 200, with only around 20 people employed in trade and the manufacturing industry.<sup>x</sup> The Winstanley's commissioned several amenities within the village throughout the 19<sup>th</sup> century for the benefit of the village inhabitants, including the row of six workers cottages at Cressida Place, the Parsonage and the small National School.
- 6.13 In 1877 Braunstone was described as a “pleasant and picturesque village”.<sup>xi</sup> By this point “it still had to rely on a passing carrier for its main external contact”.<sup>xii</sup> As of 1871 it had 39 houses and 215 inhabitants across 1,783 acres of land, bounded by River Soar to the east and the borough of Leicester to the north, crossed by the Roman Fosse Way.<sup>xiii</sup>
- 6.14 The rural character of the village and surrounding area remained until the early 20th century; the OS map of 1903-4 shows the relatively undeveloped character of the village. In 1924, a guide to the county described Braunstone as a “curiously remote and isolated little village” with a “quaint, old-world character”.<sup>xiv</sup>



Image 6: 1890s image of The Manor and Braunstone Lane.



Image 7: Historic photograph of a farmhouse on Braunstone Lane, now demolished. The Manor is visible in the background.

- 6.15 In 1925 the Leicester Corporation purchased the bulk of the Winstanley estate to provide for expanded housing provisions in the area. A major housing estate was subsequently built immediately north of the old village core, with further construction south of Braunstone Lane. As a result, the local population grew dramatically from 238 in 1921 to nearly 7,000 in 1931.<sup>xv</sup> Braunstone Hall was vacated in 1926 and on 29th of August 1932 it opened as Hall Junior School, after the National School had closed two years previously.
- 6.16 In 1935 the land within the parish purchased by Leicester Corporate in the previous decade, which had formed part of the Winstanley Estate, was detached from Blaby Rural District and incorporated into the City of Leicester, creating the current split between Braunstone Village (Leicester City Council) and Braunstone Town (Blaby District Council).
- 6.17 By the mid-1950s, large areas of former agricultural land around Braunstone were extensively developed and several older buildings within the village were demolished. The direct physical connection between the village and Braunstone Hall was lost and small infill developed appeared along the south side of Braunstone Lane. The need for social housing led to the demolition of Old Hall Farm in 1967 and the redevelopment of the land for the housing development on Herle Avenue and Odam Close in 1973.
- 6.18 In addition to the larger scale development of new housing estates during the 20<sup>th</sup> century at its margins, the core of the village also saw incremental change. For example, the village shop at 266 Braunstone Lane, a truncated 17<sup>th</sup> century timber frame structure, was extended unsympathetically in the mid-20<sup>th</sup> century. The most recent addition to the Conservation Area has been a new terrace of houses to the west of the older property at 208 Braunstone Lane, completed in 2023.
- 6.19 In the 21st Century, some work has been undertaken to help improve the legibility of the historic village core with various pieces of new signage put up. The pathway network within Church Fields was extended and a large heritage panel was installed on Braunstone Lane detailing the historic development of the village.



## 7 Architectural Character

- 7.1 The architectural character of the conservation area is a mixture of the original village buildings and later 20<sup>th</sup> century infill development.
- 7.2 Regarding the former, these original village buildings fall within two distinct character groups based on their original purpose and use, they are either domestic or agricultural/ancillary in nature. This has informed their differing appearance, design, form, material, construction, and siting.
- 7.3 These domestic buildings are all typically sited to the front of their plots, adjacent to or immediately abutting the pavement. They were built utilising traditional techniques and materials, such as timber frame construction, which can still be seen in their external elevations to this day. They are typically two storeys in height, likely to have one or more chimney stacks and contain multiple openings in their façades, suggesting the subdivision of internal space which require heating and natural light.
- 7.4 The historic agricultural and ancillary building are instead found to the rear of plots, typically along boundary lines. They are usually single storey in height with random or asymmetric openings, sometimes with large single openings to allow for the access of machinery. Their roofs are typically devoid of projecting chimney stacks, reflecting their utilitarian purpose.

- 7.5 The 20<sup>th</sup> century development is principally domestic in nature, however there are also some of examples of ground floor commercial units and office accommodation.
- 7.6 The dwelling houses are a mixture of semi-detached and detached and are typically sited deeper within their plots than their more historic neighbours, allowing for generous front gardens or car parking space. For the most part they maintain the prevailing domestic building height of two storeys, although the roof forms differ as the hipped roof becomes more common in this later architectural style. They do utilise modern versions of traditional materials such as brick and timber framing, as well as incorporating traditional features such as chimneys, bow and bay windows for articulation to their primary elevations.
- 7.7 At the south-eastern end of the conservation is a complex of buildings, formally known as Ashleigh Farm, it is now called **The Shakespeare**. To the front of the plot, running parallel to the highway is the former farmhouse, the oldest sections of which is timber frame construction dating to the mid-17<sup>th</sup> century, with later alterations and extensions. The porch has the year “1655” recorded on its moulded lintel. The timber framed section contains brick infill in a mix of stretcher bond and herringbone patterns, and the building has been extended south in brick. The roof is thatched with a scalloped ridge and several thatched dormers. The Shakespeare and its curtilage are Grade II listed, designated in 1987.



Image 8: The Shakespeare.



Image 9: The courtyard to the rear of The Shakespeare.

- 7.8 The buildings to the rear of The Shakespeare form a courtyard of ancillary structures, formally part of a traditional farmstead. The original agricultural buildings have been altered and some have now been lost. New structures have also been added, however, the simple design and high-quality materials used in these new additions have ensured the character of the former farmyard remains discernible. Worth noting is the stepped ridges of the south-west range which reflects the cumulative nature of the buildings and adds positively to roofscape in this area (Image 8).
- 7.9 The properties at **228 and 230 Braunstone Lane** are likely older and of more historic interest than their external appearance suggests. There is evidence of a building in this location on the historic mapping and in old photographs, taking on its current form in early 20<sup>th</sup> century but with a potentially older core. Unfortunately, many of its original features have been lost or replaced, and the exterior has been full enveloped in a modern render which detracts from its character and limits its contribution to the area.
- 7.10 The linear range of building to the rear are also of note and would have once formed part of a traditional farmyard. Similarly, they have been altered as their agricultural use fell away, the site has been subject to partial demolition and the original roof coverings have been replaced with modern alternatives. However enough material remains, including the stepped ridges, which allows for this original character to be read and appreciated.

- 7.11 There are two groups consisting of a pair of inter-war semi-detached properties on either side of Balmoral Drive. Nos. 236 – 242 Braunstone Lane are the plainer of the two groups, with a simple double height bay, decorated with render and a single diamond detail, to each property. They have also undergone a greater degree of external alterations, such as porch and side extensions, which compromise their integrity as a group.
- 7.12 Nos **244 – 250 Braunstone Lane** are of a higher architectural quality than the other pair, with sophisticated oriel windows, faux timber framed gables, and double height tile hung bow windows. Almost all the properties retain their original timber joinery which makes an important and positive contribution to their appearance and group value.
- 7.13 **The Manor** is a timber frame and brick farmhouse, thought to date to the early 17<sup>th</sup> century with later phases of alterations and extensions. The inscription “16 WPM 89” survives on a horizontal section of the timber frame near the principal entrance. Sited perpendicular to the highway, its principal range is characterised by a prominent gable under a Swithland Slate roof, jettied first floor and later cantered bay window inserted to the ground floor. A secondary range extends north containing an 18<sup>th</sup> century flush panelled door and moulded architrave crudely cut into the beam above it. A 19<sup>th</sup> century brick and Welsh slate extension has been added to the rear with a set of four linked chimney shafts. The brink infill is a variety of stretcher bond and



Image 10: 248 & 250 Braunstone Lane.



Image 11: April Cottage, 276 Braunstone Lane





Image 12: Grade II Listed Former Shop with Storage Loft at 266 Braunstone Lane.

herringbone pattern and there is a mix of window styles throughout the property including both vertical and horizontal sliding sashes. The Manor was Grade II listed in 1952.

7.14 As with the other historic farmsteads once found within the village core, The Manor had a large courtyard of agricultural buildings to the rear. However much of this has been cleared and the area is now a small mixed commercial estate containing modern office buildings and the remnants of this former farmstead. One 19<sup>th</sup> century structure survives relatively intact with modern cement roof tiles and replacement windows, while a second early 20<sup>th</sup> century structure also survives with some later alterations. As a result, this area is not as successful in retaining its former farmstead character. As part of the historic curtilage of The Manor, these building are considered Curtilage Listed.

7.15 **266 Braunstone Lane** is part of a 17<sup>th</sup> century much altered timber framed structure, originally built as a cottage which likely extended further north. It was turned into the village shop in the 20<sup>th</sup> century, a poor-quality shop extension was added to the south gable and a brick house was added to the rear, both of which are of no historic interest. It has painted brick infill, in a mix of stretcher bond and herringbone pattern under a Swithland slate roof. It retains some interesting historic features, such as the ledge and brace door and ground floor shuttered window. It is Grade II listed, designated in 1987.

- 7.16 **268 Braunstone Lane** is a 19<sup>th</sup> century brick house, with a simple rectilinear footprint, three half dormers in a plain clay tile roof and an attractive brick boundary wall. Unfortunately, recent alterations have impacted its character and limits its contribution to the area, including modern uPVC windows and a tall timber close-boarded fence.
- 7.17 **270 – 272 Braunstone Lane** is another example of a building which is likely older than it first appears although it has been much altered. Unfortunately, many of its original features have been lost or replaced, and the exterior has been full enveloped in a modern render which detracts from its character and limits its contribution to the area.
- 7.18 **April Cottage, 276 Braunstone Lane** is an attractive cottage which has been altered and extended in several distinct phases. Although it is now externally clad in brick, this appears to represent a 19<sup>th</sup> century phase of re-fronting work to an earlier timber frame building, the core of which may survive internally. A single section of frame is preserved within the external brick skin to the left of the bow window. The character of April Cottage is eclectic, with a variety of window style, roof material and ad hoc additions which result in a charming addition to the character of the area.
- 7.19 **Holly Tree Cottage, 278 Braunstone Lane**, similar to April Cottage, likely represents an older timber framed cottage

which was re-fronted and extended in brick. Evidence of the previous catslide roof is discernible in the northern elevation. Unfortunately, its original openings have been enlarged and modern uPVC windows installed. However, its traditional proportions and construction remain clearly evident, and it retains sufficient historic material to add positively to the character of the area.



Image 13: Holly Tree Cottage, 278 Braunstone Lane

## 8 Townscape

8.1 The naturally meandering character of Braunstone Lane helps recall the village character of the area. As the road bends, differing views and focal points come to attention. Despite some of the more intrusive 20<sup>th</sup> century development, and the general loss its historic rural setting, its character as a village remains discernible in the surviving townscape.

8.2 This character is reinforced by the green and leafy appearance of the Conservation Area. Where they are present, mature trees, natural boundary treatments and soft verges make a positive contribution to the significance of the area.

### *Views and Vista*

8.3 The principal views of the Conservation Area are the two gateway points into the historic village core. At the south-eastern edge, the distinctive gable of The Shakespeare containing dovecot openings is an important focal point. It marks the entrance to old Braunstone and has captured the attention of generations of visitors; this view has been represented in paintings and postcards of the village from the 19<sup>th</sup> century.

8.4 The northern gateway is a similarly important view into the Conservation Area. The curve of the road at this point introduces its village character and allows for a clear view

of Holly Tree Cottage, 278 Braunstone Lane, showcasing its traditional cottage proportions. Although historically Holly Tree Cottage sat just shy of the edge of the village core, it is now the oldest surviving building at this important transition point. The low scale, generous set back and green character of the bungalows at 278A and 280 Braunstone Lane help protect the rural feel of this entry to the historic village core.

8.5 Another view of note is the view eastwards from within Shakespeare Park. The open space of the park allows for clear views of the cluster of former agricultural buildings to the rear of The Shakespeare and nos. 228 and 230 Braunstone Lane. This dynamic roofscape demonstrates the variety of roofing material found within the Conservation Area as well as physical remnants of the traditional farmsteads which would have once defined the character of the area.

### *Landmarks and Corners*

8.6 The loose urban grain of the Conservation Area means many of the buildings have a landmark quality without being tall or imposing and without forming prominent corners.

8.7 A good example is The Manor, which is prominent in the street scene based on the spacious character of its curtilage, its position abutting the highway and the distinctive jettied gable.





Image 14: "Entrance to Braunstone Village, near Leicester". A post card sent to Miss W Lewis on the 24<sup>th</sup> of March 1908, from the oil painting by Geo. S. Ramsey.

### *Lighting and Street Furniture*

- 8.8 The majority of the street lighting within the Conservation Area is of a standard design and does not contribute to the character of the area.
- 8.9 Street furniture in the area is mostly found within Shakespeare Park, which contains some simple wood benches and litter bins. As the park is a relatively recent amenity space gifted to the local council in the mid-20<sup>th</sup> century, these items are modern in character, and of no special historic interest.

### *Activity*

- 8.10 Despite the somewhat 'rural' character of the Conservation Area and its peripheral urban setting, Braunstone Lane is a busy thoroughfare, with high levels of vehicular activity. This is to the detriment of the pedestrian movement and cyclists' safety; especially as limited facilities are provided for both.

### *Signage*

- 8.11 Although many properties within the Conservation Area are dwelling houses with clearly domestic appearances, there are some commercial units within the boundary. These properties are distinguishable by the presence of advertisements and signage.
- 8.12 The Shakespeare, which was formally a public house and is now in use by funeral directors has an attractive and

cohesive signage scheme which allows for the advertisement of the business while respecting the sensitive heritage setting. They have utilised a combination of contemporary and traditional painted techniques which balances well the needs of the business and the appearance of the building (Image 13). Notably, the former pub sign has been retained and sensitively amended, preserving this element of the building's history.



Image 15: Painted signage advertising Paul Pender & Sons Funeral Directors.



## 9 Building Materials

### *Facing Materials*

- 9.1 The most widely used building material within the Conservation Area is brick, both painted and unpainted. The oldest properties, such as The Shakespeare, The Manor and the former village shop utilise a combination of structural timber framing and brick infill, sometimes laid in a chevron or herringbone pattern (Image 15). There is some variety in the tone and size of bricks corresponding with the age of the buildings. Red brick is the prevailing material throughout; however, some of the mid-20<sup>th</sup> century infill development utilises lighter, buff coloured brick.
- 9.2 Render is also found in the area, mainly as a decorative motif of the early-mid 20<sup>th</sup> century semi-detached dwellings, i.e. to embellish gables and bay windows. One exception is 228-230 Braunstone Lane where it is used as the principal surface material. However, based on the smooth texture and tell-tale indications around openings, this is a modern alteration and not a historic or original finish on the building.

### *Roof*

- 9.3 Roof coverings vary significantly throughout the Conservation Area. Traditional materials such as thatch, Swithland slate laid in diminishing courses and Welsh slates are common on the oldest properties in the village. Red clay tiles are prevalent mostly in the 1930s semi-



*Image 16: The Manor, detail showing herringbone brick pattern, later inserted door and surround and vertical sliding sash window.*

detached houses. Modern cement tiles are used mainly in the later 20<sup>th</sup> century development, or as a replacement material on older buildings. There is one instance of a corrugated metal roof on an outbuilding in the grounds occupied by the 4th Leicester Scout Group (Image 16).

- 9.4 Chimneys have a significant visual impact on the townscape of the conservation area, piercing the local skyline. The difference of massing, form, and design between individual examples, and adds considerably to the architectural merit of these historic properties. All are constructed in red brickwork, with many clay chimney pots in place. The most decorative chimneys are found on The Manor, 252 Braunstone Lane, which add great interest to the building and Conservation Area.

### *Boundary Treatments*

- 9.5 Boundary treatments throughout the Conservation Area vary and range in type, scale, and material, meaning there is a lack of overall consistency and cohesion.
- 9.6 Where present, front boundary treatments in the form of brick boundaries, timber fencing and trimmed hedges, provide a clear definition between the public realm and private property, creating a sense of enclosure and positively contributing to the local townscape. Decorative metal railings and gates are rare within the Conservation Area, with some examples found along Braunston Lane; however, there are instances of modern security fencing used in the vicinity of Shakespeare Park.



*Image 17: View from Shakespeare Park looking east.*

### Road Surfaces

- 9.7 Road surfaces in the Conservation Area are dominated by dark tarmac and grey concrete, which defines the highway and pedestrian pavements along Braunstone Lane. Few granite kerbstones survive, the overwhelming majority being modern concrete examples. The path leading from Braunstone Lane to Shakespeare Park is unsurfaced. Additionally, the private curtilages of properties feature a wealth of additional surface treatments, including gravel, grass, cobbles, red tiles, brick and stone paving, and concrete slabs.

### Windows and Doors

- 9.8 There is a variety and range of window type and material within the Conservation Area. Where they survive, original and historic timber windows make an important and positive contribution to the character and appearance of the area. Worth noting is the relatively rare Yorkshire (horizontal) sliding sashes present in The Manor (Image 15) and the survival of the original timber casements with stain glass top lights in nos. 244-250 Braunstone Lane typical of the Arts and Crafts movement.
- 9.9 The Shakespeare is the only property in the Conservation Area to contain metal frame casements with lattice patterned leaded lights. Although they are a later alteration to the building, dating to the 20<sup>th</sup> century, they are an increasingly rare feature with historic interest and make a

positive contribution to the character of the building and wider area.

- 9.10 There are several examples of historic timber doors and original metal fittings within the Conservation Area, of differing styles and construction. The former village shop retains a traditional ledge and brace door with a latch, while The Manor has been retrofitted with a flush panelled door and ornate knocker set within a moulded architrave which cuts through the beam above it (Image 14).
- 9.11 Several buildings in the Conservation Area have installed replacement uPVC windows and doors. Although attempts have been made to replicate glazing patterns and decorative detailing in some examples, it has resulted in inconsistency within groups of buildings and the fine detail of the originals have been lost.

### Other Materials

- 9.12 Timber is used for other features of contribution to the local streetscene, such as soffits and bargeboards and the faux timber framing of the inter-war houses.
- 9.13 Some of the oldest properties in the Conservation Area retain original cast-iron or replacement metal rainwater goods, compete with thin gutter brackets.





*Image 18: Mixture of more and less traditional boundary treatments.*



*Image 19: Natural vegetation dominates along the public footpaths with more utilitarian fencing.*



*Image 20: Traditional materials use in the building with less cohesive floorscape materials below the plinth.*



## 10 Open Spaces

- 10.1 The Conservation Area boundary line is intentionally drawn as a tight perimeter around the historic built core of the village. The open space and field system which once defined the setting of old Braunstone has mostly been lost.
- 10.2 Shakespeare Park is the principal area of open space which appears within the Conservation Area boundary. Although this is a relatively recent element of the village's character, it is considered to make a positive contribution to the appreciation and appearance of the area.
- 10.3 The park was gifted to the local council by Everards Brewery in the mid-20<sup>th</sup> century when The Shakespeare (formally known as Ashleigh Farm) was converted into a public house. Historically, this land was subdivided into various smaller fields and orchards associated with the agricultural use of the farmstead. Although the park does not retain this agricultural use or character, it does replicate the sense of openness which once would have defined the village setting. Evidence of historic field boundaries can also be found within the grassed area and in parts, the perimeter of the park loosely follows the line of these original boundaries.



Images 21 & 22: Shakespeare Park playing fields and clubhouse.



## 11 Historic Routes

- 11.1 Interestingly, two historic routes originating within the Conservation Area have been preserved within the modern plan of the wider Braunstone area. Evidence of at least one of these routes can be found as early as the 17<sup>th</sup> century. By the 19<sup>th</sup> century they are clearly recorded and labelled on maps of the village and wider area.
- 11.2 On the 1884 OS Map, a footpath simply marked “F.P” is shown extending from Braunstone Lane, approximately 60m north of The Manor, in a south-westerly direction.
- 11.3 In the mid-20th century, it appears this footpath formed the basis of a new road. At the section closest to Braunstone Lane, new housing was constructed along the recently widened and paved street, now named Bidford Road. This new road retained the natural meanders of the original footpath evident on the historic mapping, whereas elsewhere other new roads such as Balmoral Drive were built on a straighter axis. Bidford Road runs in a south-westerly direction until it meets Kingsway North. After this point it continues in the form of a paved footpath, now aptly named *The Old Bridal Lane*, reinforcing the historic origin of this route.
- 11.4 The second route marked “B.R” for Bridle Road, evident on the historic mapping further south on Braunstone Lane. It appears to originate immediately north of 228 and 230 Braunstone Lane, pass through the courtyard of buildings,

skirt the corner of a field boundary and continue in a general southerly direction.

- 11.5 This historic route is preserved as the path leading from Braunstone Lane to Shakespeare Park. It can be traced through the park, crossing Avon Road, and continuing along the public bridleway and Lubbesthorpe Bridle Road through Mossdale Meadows. Again, continuation of the term “bridleway” and “bridle road” confirms its historic origins.



*Image 23: View looking south from Avon Road down the public footpath below Shakespeare Park.*



## 12 Intrusive or Harmful Factors

### *Building Alterations*

- 12.1 As outlined in the appraisal, uPVC windows and PVC rainwater goods have had an adverse impact on some of the non-designated historic structures in the Conservation Area.
- 12.2 Satellite dishes and antennas have been installed on several buildings adding clutter and making a negative contribution to the streetscene along Braunstone Lane.
- 12.3 Where non-designated historic properties have been externally clad in modern render, it stands in stark contrast with the prevailing use of both traditional and modern brick in the area.

### *Boundary Treatments*

- 12.4 The inconsistent boundary treatments throughout the Conservation Area have already been noted but are worth highlighting as negative factors affecting the character of the area. Despite its compact size, the disparity of front boundaries is prominent, especially along the main thoroughfare of Braunstone Lane. Not only are the boundaries different in height, design, materials, and finish, but they are often incomplete, with notable 'gaps' punctuating the streetscene. This has caused visual disconnection between properties and obscured the definition of the private and public domain.



Images 24 & 25: Issues with boundary treatments and hard landscaping, as well as traffic on Braunstone Lane.



### *Traffic and the Public Realm*

12.5 Traffic can dominate Braunstone Lane and make the experience for pedestrians and cyclists less comfortable. Sections of public pavement and highway along Braunstone Lane are in poor condition. In particular, the junction of Bidford Road, and the parking and forecourt area associated with 266 Braunstone Lane is dominated by mixed quality hardstanding. There is poor integration between different sections of hardstanding here, made worse by poor quality boundary treatments.

12.6 Commercial signage in this area is also of a more standard quality and does not reflect the sensitivity of its historic setting.

### *Infill Development and Setting*

12.7 Some of the later 20<sup>th</sup> century infill and surrounding development has a big impact on the character and setting of the Conservation Area. The bulk and scale of 12 – 16 Bidford Road is out of keeping with the prevailing character of the area, its largely blank gable fronting Braunstone Lane is particularly harmful and incongruous.

12.8 While many houses further north along Braunstone Lane are well maintained, there are some unsympathetic alterations which detract from the setting of the Conservation Area.

## 13 Capacity for Change

13.1 The only larger scale undeveloped area within the Conservation Area is Shakespeare Park, which benefits from its own status as public open space. As such, there is limited scope for new development here.

13.2 As outlined in previous sections, some buildings within the Conservation Area boundary make a neutral or negative contribution to the character and appearance of the area. These sites represent a potential opportunity for enhancement in the future. The frontage to 266 Braunstone Lane is a notable example of a more visible space that has clear capacity to be enhanced.

13.3 The land to the rear of the Manor has been subject to a series of development proposals. If further proposals were to be submitted, these should be carefully considered in terms of the historic development of the site and the setting of heritage assets close by.

13.4 Change must not come at the expense of the character that makes the area special, and alterations to properties need to be sympathetic to their context. Any new development should aim to preserve or enhance the character and streetscene of the locality, be compatible with the existing building stock and the local townscape.





*Image 26: Historic photograph of Braunstone Lane.*

## 14 Conservation Area Boundary

- 14.1 The Conservation Area boundary line is intentionally drawn as a tight perimeter around the historic built core of the village, based on historic maps of the area.
- 14.2 At the northern edge of the boundary, nos. 278A and 280 Braunstone Lane were included as it was felt their low-scale, generous set back and green character contributed to the character of the area and act as an effective “buffer” at this important transitional point.
- 14.3 At the south-eastern edge, the newly completed terraced row was included within the designated boundary. Historically this site was associated with The Shakespeare (formally Ashleigh Farm), during its operation as a public house and traditional farmstead. The new properties are considered to be of sufficient quality to warrant inclusion and add cohesion to the Conservation Area.
- 14.4 The boundary extends to Avon Road at two points. It is good practice for Conservation Area boundaries to follow physical features and avoid bisecting properties.

## 15 Local Consultation

- 15.1 An earlier draft of this Character Appraisal document was published for public consultation from 4 June 2024 to 16 July 2024. This final version has been produced with the benefit of the comments received during that consultation.

## 16 Management Proposal

- 16.1 A separate Conservation Area Management Plan has been produced. This management plan sets out proposals and actions to preserve and enhance the special character of the Conservation Area.

## 17 Additional Planning Controls

- 17.1 The District Council is consulting on an option to potentially introduce a bespoke Article 4 Direction for unlisted properties within the area to remove certain permitted development rights. This would mean most works affecting the external appearance of properties within the Conservation Area would now require planning permission or listed building consent.

## 18 Contact

- 18.1 For further information on this, or other, conservation areas you can contact the Council's Planning Development & Strategy Team by phone, letter or via the contact form available on the Council's website:

Planning Development & Strategy  
Blaby District Council  
Council Offices  
Desford Road  
Narborough  
Leicester  
LE19 2EP

Tel: 01162 272 7710

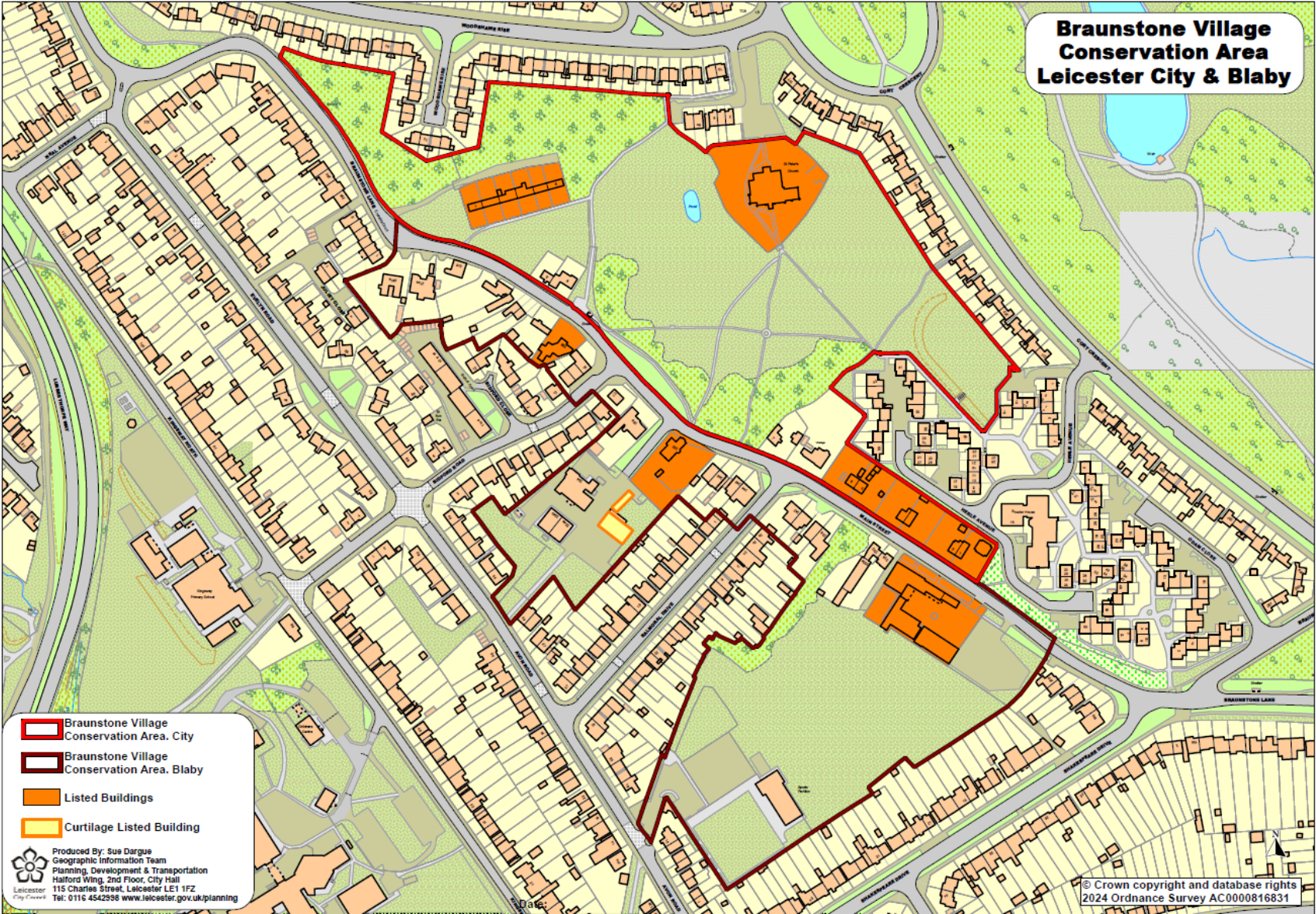
Contact Form: [www.blaby.gov.uk/contact-us/](http://www.blaby.gov.uk/contact-us/)

Information on all conservation areas is available on the Council's website:

[www.blaby.gov.uk/planning-and-building/conservation/conservation-areas/](http://www.blaby.gov.uk/planning-and-building/conservation/conservation-areas/)



Appendix 1: Map



## Appendix 2: Endnotes

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- <sup>i</sup> J. E. Wiltshire (1983). Old Braunstone, p.5.
- <sup>ii</sup> East Midland Oral History Archive (2016). Braunstone. Available at: <<https://www.le.ac.uk/emoha/community/resources/braunstone/village.html>> [Accessed 26 February 2019].
- <sup>iii</sup> G. E. England (1970). The story of Braunstone Parish Church, p.3
- <sup>iv</sup> East Midland Oral History Archive (2016).
- <sup>v</sup> A. McKinley, ed. (1958). "Parishes added since 1892: Braunstone". A History of the County of Leicester: Volume 4, the City of Leicester. British History Online. Victoria County History. London. pp. 428–433.
- <sup>vi</sup> M. Burch (2019). "History". *St Peter's Church – Braunstone park, Leicester, UK*. Available at: <[http://www.stpetersbraunstone.org.uk/?page\\_id=16](http://www.stpetersbraunstone.org.uk/?page_id=16)> [Accessed 3 March 2019].
- <sup>vii</sup> McKinley, ed. (1958), pp.428-433
- <sup>viii</sup> England (1970), p.29
- <sup>ix</sup> England (1970), p.16.
- <sup>x</sup> Ibid.
- <sup>xi</sup> W. White (1877). "History, Gazetteer & Directory of Leicestershire & Rutland".
- <sup>xii</sup> England (1970), p.17
- <sup>xiii</sup> Ibid
- <sup>xiv</sup> East Midland Oral History Archive (2016).
- <sup>xv</sup> McKinley, ed. (1958), pp.428-433.





# Braunstone Village Conservation Area

## Management Plan

September 2024





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## **1. Introduction**

- 1.1 This Management Plan sets out Blaby District Council's and Leicester City Council's approach for preserving and enhancing the two designated areas known as Braunstone Village Conservation Area. The Conservation Area to the north was designated by Leicester City Council on the 29<sup>th</sup> January 1974. The Conservation Area to the south was designated by Blaby District Council on the 24<sup>th</sup> September 2024.
- 1.2 Conservation areas make a significant contribution towards the urban fabric of the city and county. These historic areas are important to the area's cultural inheritance, economic wellbeing, and quality of life. It is important to recognise that these places are not static and are subject to change. The aim of the Management Plan is to ensure that change is managed in a way that maintains and enhances the special qualities of the conservation areas.
- 1.3 This document sits alongside the two character appraisals for the Braunstone Village Conservation Area on either side of the administrative border. The character appraisal documents provides detailed analysis of what is positive and negative in the areas under consideration and identifies opportunities for beneficial change or the need for additional protection.

## **2. Planning Policy Background**

### **2.1 National Policy**

*The National Planning Policy Framework* details the importance of identifying and managing heritage assets. It details that local planning authorities should set out a strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.2 Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 details that:

- It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.
- Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate.
- The local planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.

2.3 Government policy is provided in the National Planning Policy Framework (NPPF). It requires the significance of heritage assets – both its historic buildings and historic areas – to be understood by local authorities and by those who propose change. Changes that cause harm to significance will only be permitted where the harm is outweighed by public benefits. Further guidance on the use of the NPPF is provided in the National Planning Practice Guidance and in advice published by Historic England.

#### 2.4 Local Policy

The protection and positive use of the historic environment within new development is a theme which runs through the **Blaby District Core Strategy**. It is mentioned as a key component in Policies CS2, CS12, CS14, and CS16 and is the subject of a comprehensive policy on the Historic Environment and Culture CS20 and in the Blaby District Local Plan Delivery DPD in Development Management Policy 12 (Designated and Non-designated Heritage Assets). Within the administrative boundary of Leicester City Council, the protection and positive use of the historic environment within new development is a theme which runs through the **City of Leicester Core Strategy**. It is identified as a key component in spatial objectives 7 and 9. This is further strengthened in a number of policies. The Core Strategy also makes an explicit commitment to the preservation and enhancement of Leicester's heritage in Spatial Objective 10. This is amplified in a wide-ranging policy (CS18) for the protection and enhancement of the historic environment.

2.5 There is a general presumption against the demolition of buildings that make a positive contribution to the character or appearance of a conservation area, and the policy expects new developments and conservation-led regeneration to reflect the character and value of the historic environment. Both local and national policy puts the emphasis on the enhancement of heritage assets and positive contribution to local character and distinctiveness that should be made through new development.

### **3 Local Consultation**

- 3.1 There is a requirement under Section 71 of the Planning (Listed Building and Conservation Areas) Act 1990 for the local authority to consult the local community about any management proposals for conservation areas.
- 3.2 A draft version of the document was published for public consultation in 2024. The Council sought to consult those with an interest in the subjects covered by the document. Details of the consultation were sent to all local heritage and community groups and efforts were made to reach a wider audience through local media and the respective councils' websites. Partnership working with Braunstone Town Council was a key focus. A public display relating to the draft Management Plan was arranged. Responses received helped to shape the final version. Following adoption of the Management Plan, the local authorities will endeavour to consult on any relevant changes in their respective administrative areas with each other.

### **4 Publicity and Information**

- 4.1 Public consultation relating to conservation areas in Blaby and Leicester has revealed that many property owners and occupiers are unaware of the extent and implications of conservation area coverage. Ambiguity about restrictions increases the likelihood of inappropriate development occurring and damages the integrity of the conservation area designations.
- 4.2 Given the complexity of legislation relating to heritage designations, such as conservation areas, the two councils will look to work with Braunstone Town Council on producing guidance detailing both the rights and responsibilities of living in such areas for property owners and occupiers. As national legislation on restrictions relating to conservation areas is liable to change, the best medium for guidance is on the respective councils' website, which have the capacity to be easily updated.
- 4.3 Another potential issue is the turnover in residency and ownership of properties in the conservation areas. To ensure that all property owners and occupiers are aware of both the conservation area designation and any significant changes to related planning controls, a 'conservation area guidance leaflet' will be sent to all properties in the conservation areas.

**ACTION G1**

**Guidance and Information**

Each council has produced a Conservation Area Character Appraisal and will make guidance available on its website.

- 4.4 A number of cast-iron conservation area signage roundels are attached to lampposts in the area. To provide greater clarity over the boundaries of the conservation areas, these signs should potentially be installed at the various entry points and renovated/replaced where appropriate.
- 4.5 Heritage interpretation panels have been located within the conservation areas. If appropriate, additional panels should be installed making the history of the areas more legible. New technology may also present opportunities for improving the accessibility of information regarding conservation areas.
- 4.6 Local heritage groups may arrange events to promote the heritage of the areas, including walking tours, seminars, and expert talks. Such work should be supported, such as through additional publicity.

**ACTION G2**

**Raising the profile of the conservation areas**

Each council will look to raise the profile of conservation area by potentially installing new street signs, working with local community groups and exploring the potential of media/technology.

**5 Development Management**

- 5.1 Demand for new housing, residential extensions and alterations can impact on the character of conservation areas through unsympathetic or poor design. The role of each councils' development management function in overseeing future changes to conservation areas is therefore crucial.
- 5.2 As detailed in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, all development within each conservation area should

**ACTION G3**

**Delivering effective development management**

Each council will use strategic policy and guidance documents to ensure that development respects the character of the conservation area as outlined in the character appraisal.



preserve or enhance its character or appearance. Development within conservation areas should be in keeping with local character and this is summarised in the character appraisals.

## **6 Setting and Views**

- 6.1 Some sites, which are outside the boundary of the conservation areas, have an impact on its character through setting and framing. Should development on these sites come forward the impact on the conservation areas will be a material consideration.
- 6.2 As detailed in the character appraisals, there are also important views which are part of the significance of the conservation areas. The impact on these identified views will be a material consideration of any planning application. Care must be taken at an early stage to prevent harm to these key views through new development. Opportunities should be sought to enhance the setting of the conservation areas through appropriate and attractive development.

### **ACTION G4**

#### **Setting and views**

Each council will ensure that development, which affects the setting of the conservation area, respects its character and that important views are protected.

## **7 Building uses**

- 7.1 As detailed in the character appraisal for the conservation area in the City Council administrative area, the buildings in that conservation area, with the exception of the church, are residential in character, being largely consistent with their historic uses. The surviving commercial elements of the former village are located within the boundary of the conservation area in Blaby District, which also has a significant residential element.
- 7.2 Where a change of use is proposed, this should be appropriate to the architectural character of the property. Conversion or excessive subdivision of a property can harm the amenity of the conservation areas through structural alterations and associated developments, such as large bin and cycle stores. Each council will not support changes of use that harm the character of the conservation areas.

- 7.3 Should a property become long-term vacant each council will pursue appropriate steps to ensure the condition of the building is maintained and to encourage re-use. In exceptional circumstances, the use of enforcement powers will be considered. Long-term vacancy will not be a justifiable reason to allow for demolition unless it can be demonstrated that all options for re-use have been investigated.

**ACTION G5**

**Building uses**

Each council will seek to protect the residential character of their conservation area and ensure any new uses are consistent with this.

**8 Building features**

- 8.1 Within the conservation areas there are examples of unsympathetic alterations to the external fabric of buildings. This includes the removal of original chimneys, windows, doors, and other features/detailing, as well as the addition of rooflights and satellite dishes. External painting, cladding, and rendering of brick elevations, while limited has also had a detrimental effect on the conservation area.
- 8.2 A notable problem is the replacement of timber windows with poorly suited plastic or composite units. Such alterations may now be restricted, through the introduction of an Article 4 Direction.
- 8.3 In general, the councils advocate for the refurbishment of historic features, particularly windows and doors, with replacement considered as an option of last resort. Where original features have already been inappropriately altered or lost, any new development should aim to respond meaningfully to the architectural composition, design, and proportionality of the building under consideration, as well as to the wider streetscene within the conservation area. For example, poorly suited uPVC windows should be replaced with alternative windows that are more in keeping with the original building.
- 8.4 Historic England has carried out research which shows that replacing windows with uPVC in an appropriate style is not significantly cheaper than timber equivalents. Moreover, it should also be recognised that property values are generally higher where properties retain their original features. Enhancing the energy efficiency of properties can be delivered in a way that is sympathetic to

building character through the repair of windows and/or additional measures, such as secondary glazing or draught proofing.

- 8.5 The councils will work with property owners to encourage the use of traditional materials that preserve or enhance the historic environment. The use of 'mock' or synthetic materials will be resisted, as these do not adequately replicate the natural materials in finish, quality and weathering. In addition, such materials are not historically appropriate to the conservation areas. This is especially important to elevations and roof slopes fronting public highway and open public spaces.

**ACTION G6**

**Traditional materials**

Traditional external materials and finishes will be expected in all new development in the conservation areas.

Each council will seek to encourage the use of traditional, contextual materials through pre-application advice, as well as in information in relevant planning documents and on the councils' websites.

**9 Boundaries**

- 9.1 The loss of original front boundaries is a particular issue within the conservation areas. As noted in the character appraisals, garden walls, railings and hedges make an important contribution to the character of the conservation areas. Where they have been removed the distinction between the public and private domain and the visual edge to highway is weakened or lost to the detriment of the local townscape.
- 9.2 Where front boundaries remain these should be protected. Opportunities should be sought to reinstate historic boundaries where these have been lost or removed.

**ACTION G7**

**Boundary Treatments**

Each council will seek opportunities to retain existing boundaries and support the reinstatement of traditional front boundaries where they have been lost.

## **10 Highways and Footpaths**

- 10.1 A number of issues in the Conservation Area relate to accommodating vehicular traffic, as well as measures required for traffic safety, control and calming. Given that the conservation areas were largely developed before cars were invented, there are longstanding issues within them over how car parking and traffic flow can be accommodated within restricted streetscapes.
- 10.2 In certain parts of the conservation areas surfaces are tired and in need of upgrading and where repairs have been carried out to the pathways these have not always been applied in materials to match the existing, resulting in an array of forms that are visually detracting.
- 10.3 The public realm should be carefully designed and improved to provide an uncluttered environment that sustains or enhances the special significance of the conservation areas. The core principles of the *Leicester Street Design Guide* will guide all future development in that administrative area. Its directives on place making, distinctness and creation of healthy and sustainable cities in particular will be a material consideration in all management and planning decisions.
- 10.4 As public realm projects develop, each council will pursue a policy of early engagement with stakeholders to help identify traffic management designs that are sympathetic to the historic environment. Where appropriate, traffic management measures should be integrated into the historic environment effectively by retaining features such as walls, trees, hedges and railings, as well as traditional floorspace materials. Where new features are introduced, the observance of existing design principles and use of local traditional materials should be considered to ensure they are in keeping with the existing townscape and character of the area.
- 10.5 Statutory undertakers are responsible for carrying out the permanent reinstatement of the highway, where they disturb it, with the existing materials. Where existing materials cannot be re-used, new materials should be the closest possible match.



- 10.6 Each council will advocate the principles established by Historic England in *Streets for All: East Midlands*, as well as the two *Manual for Streets* documents to all those involved in highways works.

**ACTION G8**

**Highway Works**

Utilising national and regional best practice guidance, each Council will seek to ensure that any future highways works will bring a positive improvement to the character and appearance of the conservation areas.

- 10.9 A detailed audit of the public realm will be undertaken to identify the best way to minimise street clutter and better integrate street furniture in the conservation areas. The street audit should be developed with officers from the local councils and other interested parties to ensure they are accurate and the findings feasible. Proposals to remove street clutter will be actioned within 12 months of the adoption of this document.
- 10.10 Street furniture including bollards, bins, bike stands, electricity cabinets, information panels and other freestanding features within the highway should co-ordinate with each other and tie-in with similar features elsewhere in the area. An appropriate and sensitive colour palette should be chosen to achieve this. All new street furniture should be kept to a minimum and carefully positioned to avoid hindrance to pedestrian and sustainable transport flow.
- 10.11 The highway on Braunstone Lane and Main Street has a significant impact on the setting of the conservation areas. Requests will be made to Leicestershire County Council, as the relevant Highway Authority, should any aesthetic improvements be identified.

**ACTION G10**

**Street clutter audit**

An audit of the public realm to identify the best way to minimise street clutter and better integrate street furniture in the conservation areas will be undertaken. An Action Plan for reducing street clutter will be prepared and taken forward with the relevant highways authorities.

## **11 Green infrastructure**

- 11.1 Blaby and Leicester's green infrastructure network helps to support wildlife and delivers multiple environmental and health benefits. This includes improving air and water quality, storing carbon, providing opportunities for biodiversity net gain, facilitating urban cooling, and providing spaces for people to enjoy for leisure and recreation.
- 11.2 To help support local ambition to deliver an overall environmental net gain, each council will expect new development to achieve biodiversity net gain and improvements to the existing green infrastructure, wherever appropriate.

### **ACTION G11**

#### **Green Infrastructure**

Each council will ensure biodiversity value is preserved or enhanced when considering development proposals in the area.

## **12 Trees and Green Spaces**

- 12.1 There are many trees within the conservation areas which make an important contribution to the character of the local environment. These are located on public and private land, in open public spaces and private gardens. Every effort should be made to retain these trees in a healthy condition.
- 12.2 The value that trees make to the overall composition of conservation areas is acknowledged by the additional controls on tree works following conservation area designation. All trees in the Conservation Area are protected by its designation and no works should be done to trees within the Conservation Area without first contacting the City Council. Details of how to do this can be found on the City Councils website.
- 12.3 Trees which are subject to preservation orders have been identified in each conservation area character appraisal and are marked on publicly accessible mapping through each council's website.

- 12.4 Where trees are lost through death, disease, highway works or other development, they should be replaced with suitable substitutes wherever feasible. Opportunities for more tree planting and enhanced green infrastructure will be explored by the each council, in line with the principles and aspirations of their respective Green Infrastructure Strategy. New green infrastructure will be carefully considered in the context of the existing character of the area and views into, within and out of the conservation areas.

**ACTION G12**

**Trees**

There is a presumption in favour of retaining trees which make a positive contribution to the character and appearance of the conservation area.

Each council will monitor trees in conservation areas that have notable amenity value. Where appropriate, opportunities for additional tree planting will be explored.

- 12.5 The conservation areas includes areas of green space that are managed by the District Council and City Council. A collaborative approach to management should be undertaken between the relevant departments to ensure that opportunities to enhance the conservation aspects of these spaces are maximised.
- 12.6 Specific enhancement opportunities for some of these spaces are presented in the City Council's [Green Infrastructure Strategy](#).

**ACTION G13**

**Open Spaces**

Each council will seek opportunities to protect and enhance the open and historic character of each conservation area's open green spaces.

**13 New Development**

- 13.1 There are limited opportunities for larger scale infill development within the conservation areas, but sensitive enhancement schemes that sustain or enhance the local distinctiveness may come forward which can help to improve the quality of the local environment.

- 13.2 If the special interest of the conservation areas is to be protected in the future, development should only be allowed where it will fit in with the existing historic form of development; where it does not impinge on the setting of historic buildings; and where it does not result in the loss of important green open space.

#### **14 Grant Funding**

- 14.1 Leicester City Council will streamline the available funding into areas and buildings considered to be at risk or of considerable enhancement potential.
- 14.2 Each Council will also seek to support and assist, where practicable, groups or individuals seeking grant funding from alternative sources to carry out necessary works to historic buildings within the conservation areas.
- 14.3 Properties within the administrative boundary of Leicester City Council are eligible for the Historic Building Grant fund for the repair of original architectural features or the restoration of missing features. Details of this can be found on the City Council's website.

#### **15 Local Community**

- 15.1 Each council recognises that emphasis needs to be given to involving the local community in decisions about both the designation and the management of conservation areas. What is valued by the community may add a new perspective to what is considered as 'special' and worthy of preservation by the local authority. Local communities have a vital role to play in the development and implementation of management plans for proposals to succeed.
- 15.2 There are a range of existing community groups operating in the conservation areas whose local knowledge should be prioritised in the ongoing management of the area and provide opportunities for more proactive processes for enhancement and enforcement. The latter issue could potentially involve heritage wardens, who help to monitor change in the conservation areas.

##### **ACTION G14**

##### **Community Groups**

Each council should work actively with local community groups and elected councillors to improve the management and monitoring of each Conservation Area.



## **16 Enforcement Strategy**

- 16.1 Monitoring and enforcement are important to the success of any management plan. Ensuring that permitted works have been executed as approved and that any unauthorised works are investigated and dealt with appropriately is important in maintaining the character and special significance of conservation areas. Part of this work is pro-active monitoring of the area to identify any breaches and to gather baseline evidence which can be used as evidence in any action.
- 16.2 Changes in the appearance and condition of the conservation areas should be monitored regularly by the Council to ensure that enforcement action can be taken promptly to deal with problems as they arise. A dated photographic record of the area should be regularly updated to ensure that there is the requisite level of evidence available to the Council. Street elevations would need to be photographed at least once every four years to ensure that enforcement action can be taken forward.
- 16.3 Where works have been done without the relevant permission(s), the Council will investigate if these breaches harm the amenity and significance of the local environment. If harm is found to have been caused, action will be taken. Where appropriate, the Council will pursue the use of additional enforcement powers to tackle issues within the Conservation Area, including Section 215 Notices, Urgent Works Notices, Planning and Listed Building Enforcement Notices and Building Preservation Notices.

### **ACTION G15**

#### **Enforcement and Monitoring**

Each council will take steps to deal with the unauthorised development where it causes harm to the character and appearance of each conservation area. A record of the conservation areas should be regularly maintained to ensure that enforcement action can be successfully taken forward.

## **17 Article 4 Directions**

- 17.1 Minor development, such as domestic alterations and extensions, can normally be carried out without planning permission under the provisions of the General Permitted Development Order (GDPO).
- 17.2 Article 4 of the GPDO gives local planning authorities the power to restrict these 'permitted development rights', including where they have the potential to

undermine protection for the historic environment. Using the provisions of Article 4 of the GPDO brings certain types of development under the control of a local planning authority, which allows them to be considered on a case-by-case basis through planning applications.

- 17.3 Designation of a conservation area restricts certain permitted development rights but many works, such as replacing front doors and windows, remains outside the control of the local planning authority.
- 17.4 To help protect the character and appearance of the conservation areas, both are consulting on proposals to potentially introduce focussed Article 4 Directions for non-listed properties in the areas. This would mean most external works to properties within the conservation areas will require planning permission including:
- Removal, alteration or installation of windows and doors;
  - Extensions or additions including porches;
  - Roof alterations such as dormer windows, rooflights and changing the roofing materials or removal or alteration of a chimney;
  - Painting the exterior of the property;
  - Paving over a front garden;
  - Removal of existing and installation of new boundary treatments.

**ACTION G16**

**Article 4 Direction**

Each council will explore the potential for a new Article 4 Direction to restrict external alterations for relevant properties within each Braunstone Village Conservation Area.

If made, each council will monitor the properties affected and provide adequate levels of publicity to ensure its successful application.

**18 Links with Braunstone Park**

- 18.1 As set out in the accompanying appraisal, the land which comprises the conservation area was formerly part of the wider Braunstone Estate. While there is some visibility between the park and the former village, the two were largely severed with the development of the housing estate in the 1930s.

- 18.2 There is now no direct route between the park and church, which is regrettable given their historic association. There is an opportunity to create a more direct link between the park and village through footpath improvement and better wayfinding, place marking and interpretation.

**ACTION G17**

**Links with Braunstone Park**

Leicester City Council will explore opportunities to create a more direct pedestrian route between the conservation areas and Braunstone Park and improve signage in both areas.

**19 Monitoring**

- 19.1 To assess the effectiveness of measures included in the Conservation Area Management Plan it is important that effective monitoring measures are put in place by the two local authorities. The Historic Environment Team at Leicester City Council will do a bi-annual inspection of the two conservation areas and detail actions for remedying identified issues. In addition, the following procedures will take place.

19.2 Document updates

In line with best practice guidance from Historic England, the two local authorities will review the two Conservation Area Character Appraisal documents every five years and where necessary, update the documents. This process will help to monitor change and ensure that the documents remain an accurate representation of the area in question. The councils will also review the Conservation Area Management Plan every five years.

19.3 Local Communities

The input of other stakeholders, such as local history groups, residents' associations and ward councillors, in helping to monitor the management of the conservation areas will be welcomed.

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- Historic England

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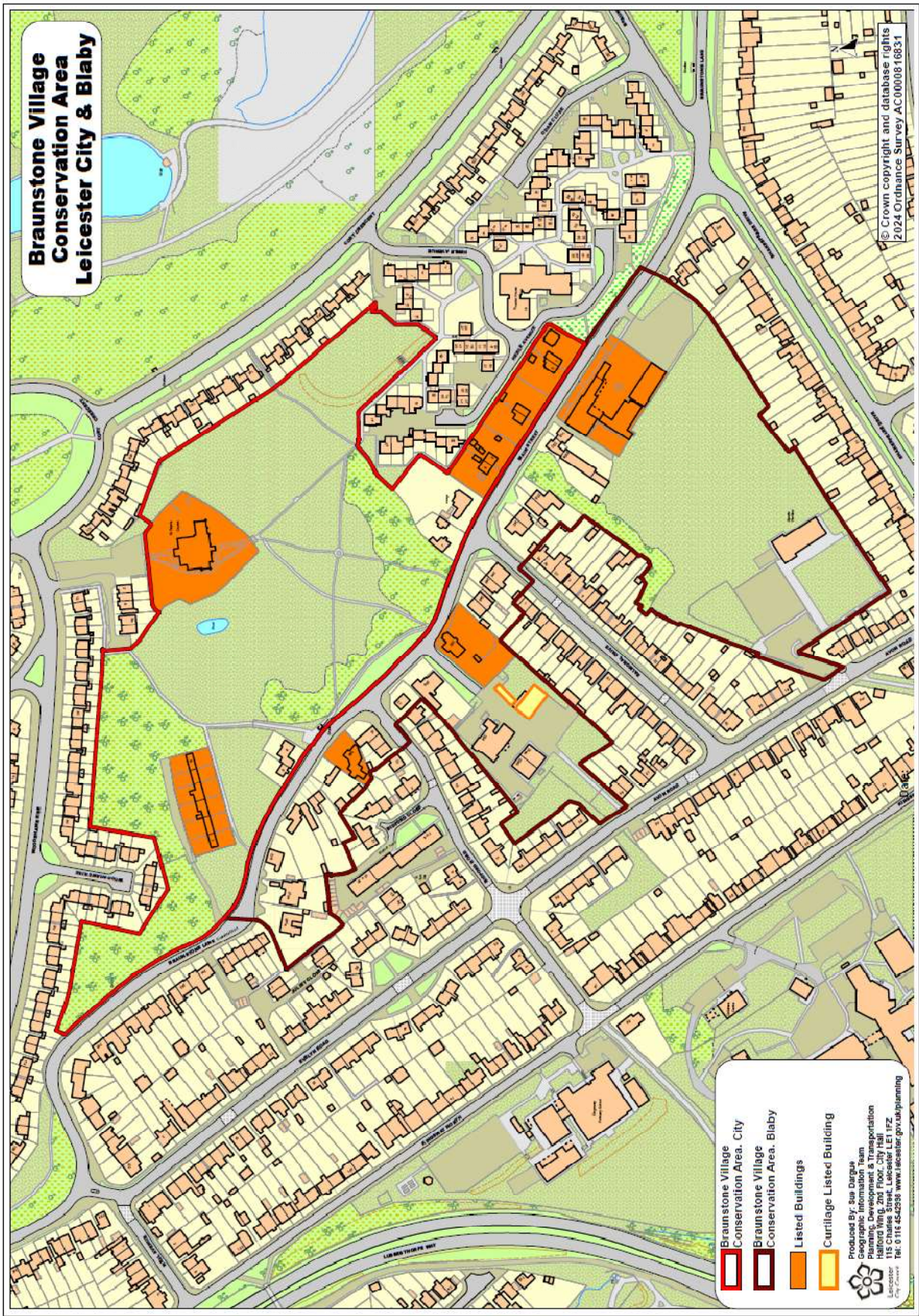
<http://www.spab.org.uk>

- Historic Environment Record

<https://www.heritagegateway.org.uk/gateway/chr/>



Appendix 1





## **Appendix 2**

### **Proposed Article 4 Direction within Blaby District Council administrative boundary:**

The proposed Article 4(1) Direction for 228, 230, 230a, 236, 238, 240, 242, 244, 246, 248, 250, 256, 268, 270, 272, 274, 276, 278 Braunstone Lane is as follows:

The Direction restricts permitted development rights as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 with regards to:

Development within the curtilage of a dwellinghouse comprised within the following classes of Part 1 of Schedule 2 to the said Order:

- Class A – enlargement, improvement, or other alteration;
- Class C – alterations to the roof;
- Class D – the erection or construction of a porch outside any door;
- Class F – hard surfaces incidental to the use of a house.

Minor development comprised within the following classes of Part 2 of Schedule 2 to the said Order:

- Class A – Erection of fences and gates;
- Class C – the painting of the exterior of any building or work.

## **Appendix 3**

### **Proposed Article 4 Direction within Leicester City Council administrative boundary:**

The proposed Article 4(1) Direction for St Peters Vicarage, Main Street and 7-9 Main Street is as follows:

The Direction restricts permitted development rights as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 with regards to:

Development within the curtilage of a dwellinghouse comprised within the following classes of Part 1 of Schedule 2 to the said Order:

- Class A – enlargement, improvement, or other alteration;
- Class C – alterations to the roof;
- Class D – the erection or construction of a porch outside any door;
- Class F – hard surfaces incidental to the use of a house.

Minor development comprised within the following classes of Part 2 of Schedule 2 to the said Order:

- Class A – Erection of fences and gates;
- Class C – the painting of the exterior of any building or work.

## **Braunstone Village Conservation Area**

### **Consultation Statement**

## Introduction

This statement sets out the consultation process carried out in relation to the proposed Braunstone Village Conservation Area. It includes a summary of the responses received and any actions taken as a result of feedback.

Although not strictly required by the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, the consultation on the proposed conservation area, including the draft Appraisal and Management Plan, was agreed by Council on 21 May 2024.

## Extent of Consultation

The consultation was carried out between 4 June and 16 July 2024 and involved:

- Sending letters to each property in the proposed conservation area.
- E-mail consultations to groups including Braunstone Heritage Archive Group, Braunstone Town Council, Historic England, Leicester City Council and Leicestershire County Council.
- Erecting site notices at key locations: at either end of the conservation area on Braunstone Lane and outside the commercial premises on Bidford Road.
- Issuing a press release in the Leicester Mercury.
- Hosting a drop-in session that took place at Shakespeare Park Sports Pavilion, Avon Road, Braunstone Town, LE3 3AB on Wednesday 3 July between 6pm-8pm.
- Publicising details of the consultation on the Council's website.
- Making paper copies of the consultation documents available at Braunstone Town Council library/offices and Blaby District Council offices.

Throughout the process there has also been regular dialogue with Braunstone Town Council to discuss the issues involved and who have also sought views from local residents.

## Consultation Responses

33 individual letters and forms were received, as well as 2 letters with multiple signatories (11 and 8 signatures respectively). A substantial majority of responses were in support of the proposals. Two of the responses received included objections.

Supportive comments included:

- The conservation area as drawn would help preserve and enhance the historic and architectural character of the area,
- The Appraisal and Management Plan are sound and suitable.
- There are a variety of houses and buildings on Braunstone Lane.
- The proposal would complement the existing conservation area on the Leicester side and correct an anomaly from when only part of the village was designated. It would provide a co-ordinated approach.
- Old barns are our heritage. Would not like to see more changes/houses. Old barns and buildings would be better as a museum.

General Comments included:

- It would be nice to have a wildlife diversity area, which could be a step towards cleaner air through carbon capture.
- Further historic details on parts of the conservation area, including The Manor. A heritage report has been provided on the former mechanised milking parlour.
- Query regarding listed status of buildings to the rear of the Manor as shown on the map. Suggest alternative presentation.
- Suggest stronger framework for joint working between Leicester City Council, Blaby District Council, and Braunstone Town Council.

Objection Comments included:

- Land to the rear of the Manor is not justified for inclusion in the conservation area. Buildings are modern. Suggest boundary is redrawn to not include site.
- Including designation at the rear would devalue legislative approach to conservation. Approach does not accord with national policy or guidance.
- Site has extant permission for three office blocks.
- Will need to get planning permission to change windows, install solar panels and insulate from the outside. Will make things difficult as a charity and may not be able to stay.



## Actions Taken as a Result of Comments Received

All comments were recorded and summarised. A table is attached at the end of this statement listing the comments received and action taken as a result. In summary however the following actions were taken.

- Support for the proposals and the general comments made were duly noted. Where appropriate, additional detail was added to the appraisal and management plan in light of the additional information received. It is not the intention of the Appraisal and Management Plan to include all historical detail however, rather provide a balanced informative view to help guide development considerations. Some of the more specific historical details not included in the amended appraisal may be more suitable for Historic England listing descriptions.
- Amendments have been made to the conservation area map to identify the buildings to the rear of the Manor as curtilage listed, in the interests of clarity.
- Where concerns of development were identified to also be in relation to the current planning application (20/1373) they were forwarded to the Case Officer for consideration.
- The objections received have been carefully considered however it remains the view that the appraisal has been carried out in accordance with legislation and that best practice has been followed. An assessment of the heritage significance of the land to the rear of the Manor has been provided. It is acknowledged that some modern buildings are present on site, however they are low level and relatively low in terms of their impact. Regarding the extant permission of for three office blocks, listed building consent would first be required to carry out the demolition of the existing curtilage listed buildings on site, and therefore this development cannot be carried out with the existing permissions in place. The conservation area boundary has been drawn to follow physical features and avoid bisecting properties in accordance with best practice guidance.
- Concerns have been raised regarding additional controls on the ability of a bereavement charity being able to grow and the associated costs with requirements for planning permission. As the building is non-domestic however, it only benefits from very limited Permitted Development rights. Therefore the need to apply for planning permission and associated fees would not be significantly affected. It is acknowledged additional consideration to design and materials would need to be given, however the extent of any additional costs is uncertain depending on the development proposed and with consideration to the existing nature of the buildings. Overall it was considered these issues do not affect the proposed boundary and the justification for including this area.

The consultation ran at a similar time to one carried out by Leicester (8 July to 19 August), for a new character appraisal on the existing Conservation Area in Braunstone Village and the joint Management Plan. The responses and actions as a result of this have not significantly affected the proposals on the Blaby District Council side.

## Responses Table

Respondent ID	Section	Comment summary	BDC Response
1	General	Support the proposal. Astonished as to the variety of houses and buildings. I very much hope it will be preserved.	Noted. No response required.
2	General	Fully support this proposal. Vital to preserve what is left of the historical Braunstone Village and to complement the Conservation within Leicester City.	Noted. No response required.
3	General	Would be nice to see a wildlife diversity area that shows a range of flora and fauna. This area could be a step towards cleaner air through carbon capture in what is an already well developed town.	Proposals do not include a wildlife diversity area however comments noted.
4	CA Map, General  General, Section 7	<p>Not justified including land at 254 Braunstone Lane within conservation area due to lack of special interest of site and surroundings. Inclusion does not therefore accord with the NPPF, PPG or Historic England Guidance and would devalue legislative approach to conservation.</p> <p>BDC confirm only historic building on site is of low value. Proposed designation hinges on desire to enhance site's character and appearance. This and approach to boundary does not accord with the PPG, NPPF or Historic England Guidance. No reference to these documents.</p> <p>Detailed report provided with heritage assessment of site.</p>	<p>Proposed conservation area boundary has been carefully considered following appraisal of the historic qualities of the area. Follows physical features and avoids bisecting properties in accordance with best practice.</p> <p>Based on evidence in the character appraisal would not devalue approach to conservation area.</p> <p>Acknowledged that some modern buildings are present on site, however they are low level and relatively low in terms of their impact.</p> <p>Report misquotes part of the appraisal regarding success of area in retaining</p>

			historic character. Considered designation is justified.
5	CA Map, Section 7	<p>The assessment could have included an image of 276 Braunstone Lane</p> <p>Query regarding listed status of buildings at 254 Braunstone Lane, to the rear of The Manor House as shown on map. Further information provided.</p>	<p>Although 276 is not photographed, it is described within the documents and its framing is mentioned. Image available from Google streetview although significant portion of property obscured.</p> <p>Map amended to clarify curtilage listed status for buildings to the rear of The Manor. Additional information provided noted.</p>
6	General	Do not want to see more changes and think a conservation area is a good thing.	Noted. No response required.
7a	General	Overall very much in favour. Over 50 years for the coming together with the City Council's conservation area designated in 1974. Parts of core village have kept their charm while the setting of the old buildings changed for the worse in the later 1960s early 1970s. "Proper" conservation area embracing both sides of the boundary will, hopefully, protect future developments that will be in keeping.	Noted. No response required.
7b	General	<p>Anomaly where one side of the village Main Street was in a designated conservation area since 1974 and the opposite side of Main Street ignored despite it containing all of the timber framed houses in the village.</p> <p>At last we might have a coordinated approach to any future alterations to the setting of our village.</p>	Noted. No response required.

8	General	<p>Very much in favour. Proposal would help preserve the unique and historic nature of the buildings. Live in 17<sup>th</sup>C unlisted Cottage that retains much of its original character.</p> <p>BDC side contains many buildings of historic interest. Many at risk of inappropriate development or changes that erode the historic character of the area. Leicester City side retains much of it's character and charm due to it being a conservation area where any change has been regulated.</p>	Noted. No response required.
9	General	Support the proposed designation.	Noted. No response required.
10	CA Map	Object as disagree with where the red line has been drawn. Request reconsideration of boundary so that it goes around the manor house and its garden but not the other areas.	Proposed conservation area boundary has been carefully considered following appraisal of the historic qualities of the area. Follows physical features and avoids bisecting properties in accordance with best practice.
	General, Section 7	Bodie Hodges Foundation Charity purchased one of the buildings on the site of 254 Braunstone Lane, Leicester. Building is flat roof with PVC windows. Area includes this building as well as the one opposite, both of which are modern and should not be included within a conservation area. Plan makes it difficult	Comments noted. More modern buildings already acknowledged in appraisal.
	General	Impact on charity as need to get planning permissions for windows, solar panels and insulate the building which will make building more environmentally safe and save money. Building sits on a small commercial setting with unused and derelict land whilst waiting for planning permission to be approved. Plan puts future of charity at risk.	As the building is non-domestic, it only benefits from very limited Permitted Development rights. Therefore the need to apply for planning permission and associated fees would not be significantly affected. Acknowledged additional consideration to design and materials would need to be given,

	CA Map, General	Disagree with including the desolate land behind the current buildings and old milk shed. Land is unused and looks very messy. Private property so is not utilised by local residents and relatively small space.	however the extent of any additional costs is uncertain depending on the development proposed and with consideration to the existing nature of the buildings. Overall not considered these issues affect the proposed boundary and the justification for including this area.
	General	To build the bungalows on this land would be an asset to the Braunstone area and its residence. This would be in keeping and considered, will make area look better. Support the planning permission to knock down the out-house buildings. These already have PVC windows and are in a poor state of repair.	Comments noted. Proposed boundary has been carefully considered as described above.  Issues of potential redevelopment more related to current applications being considered. Comments forwarded to Case Officer for consideration.
11	General	Over time new developments and alterations to the area do not fit in well. A conservation area to protect the heart of the old village is a must to preserve the history and look of this place.	Noted. No response required.
12	General	Want to see the proposed Braunstone Conservation Area confirmed and adopted in full. Approve of the boundary line on the plan, pleased that it includes all the 'greenfield' land to the rear of the bungalows on Avon Road and the area of grass to the rear of 19-25 Balmoral Drive. Fully support the management plan and the proposed co-operation between Blaby District Council and the City Council.	Noted.
	Section 7	Appraisal is mistaken about former Shakespeare Public House. Comment regarding outbuildings formerly part of traditional farmstead misleading as extensive alterations made shows more new build. While as part of the 'street scene' it is something of a sore thumb	Description altered to reflect newer alterations.



	Section 7	Additional historic detail regarding The Manor and Braunstone.	Additional information noted however appraisal concerns whole area not this specific property. Due to level of detail may be more suitable to contact Historic England to update official list description.
	General	In the main, appraisal makes excellent case for the new conservation area in Braunstone and I endorse it whole heartedly.	Noted.
13	General	Totally support.	Noted. No response required.
14	General	The old buildings are our heritage, do not want more houses, please leave the old barns and buildings alone would be better if they were made into a museum, not to mention more traffic. Nice wildlife place as well	Noted. No response required. Comments also forwarded to Case Officer for current application for consideration.
15	General	Leicester City Council endorses the new Conservation Area designation, and will continue to work with Blaby District Council to support this.	Noted. No response required.
16	General	Very good idea.	Noted. No response required.
17	General	Would like to keep this land as a conservation area. Why does anyone want to knock our buildings down which is been our heritage since 1800s. Ruining past and future just to build houses, plenty of spaces elsewhere. Wildlife around here.	Noted. No response required. Comments also forwarded to Case Officer for current application for consideration.
18	General	Conservation Area yes please.	Noted. No response required.
19	General	Support proposal as set out in the Character Appraisal and Management Plan 100%. In particular absolutely support the boundary.	Noted.

	Section 7	Additional historic detail provided regarding The Manor and other features in the village. Query description of features in parts. Heritage Report provided.	Additional details have been considered and descriptive text has been amended or clarified where appropriate.
	CA Map	Query regarding presentation of access of map. Suggest public roadway but is not.	Presentation of map does not denote public/private highways and is not intended for this. Examples of either ownership being shown with same colouration scheme. No amendments required.
	General	Before the present owner applied for planning permission, trees on site felled. Containers and estate agent boards an eyesore. Conservation Area and Management Plan would make matters like theses less likely to occur.	Noted.
	General	The consultations on applications to demolish the former mechanised milking parlour and build 13 housing units within setting of Manor house at the same time as consulting on the proposed Conservation Area so overshadows the latter as to make that impossible.	It would not have been suitable to delay consultations on the planning applications or for the conservation area. Information has clearly been provided with each consultation explaining what it was for. While it is understood some confusion may have occurred due to the timings, it is considered this was largely unavoidable without altering each process unreasonably.
20	General	Need to protect old Braunstone from too much development. Conservation area is a good idea and will help with this.	Noted. No response required.
21	General	There are over 1000 conservation areas in the East Midlands, a testament to the enduring popularity of this designation as a means of protecting the historic environment. While we do not provide detailed	Noted. No specific issues to raise. Existing guidance and legislation followed.

		advice on every designation due to resource implications, if there are specific issues that would merit our closer involvement on this occasion please advise us of this.	
22	General	Braunstone Town Council supports the proposal. Local residents who have engaged with the Town Council welcome and fully support the proposal in principle.	Noted.
	General	Lack of a conservation area on the Blaby District / Braunstone Town side of Braunstone Village over the past 50 years has resulted in a general degrading of the heritage assets and the setting; something which has not been the case on the Leicester City side of Braunstone Village, which is designated as a Conservation Area.	Noted.
	Section 7	Additional information provided regarding impact of development around the village shop.	Noted however further changes to description not considered necessary.
	CA Map	The proposed boundary for the Conservation Area is supported. The area covers the historic built core of the Village following physical features, avoids bisecting properties and their curtilage, and includes the natural green and open spaces which contribute positively to the character of Braunstone Village.	Noted.
	General	Character Appraisal generally considered sound, suitably capturing and identifying the area's overall special interest and character.	Noted.
	Section 7	Suggestions provided on developing this further in relation to the Manor. Conservation area is essential as acknowledged close to tipping point. Should also be further reference to natural environment. Undeveloped sites in village were of archaeological interest.	Descriptive text regarding the Manor and its farmyard have been added to and amended where considered suitable and also with regard to other representations received.

	Management Plan	Proposed Joint Management Plan is welcomed and generally considered suitable. However should be stronger in providing a framework for all three Councils (Leicester, Blaby and Braunstone Town)	Amendment to wording in the Management Plan to reflect joined up framework.
	General	Proposed Article 4 direction is supported.	Noted.
23	General, Management Plan	Leicester Civic Society welcomes proposals. The heritage character deserves to be well protected. Modern boundary of the City of Leicester is a historical accident and arbitrarily cuts right through the centre of the village. Heartening to see the two Councils concerned co-operating so effectively to protect and preserve the unique character of Braunstone Village. Leicester Civic Society applauds their efforts.	Noted. No response required.
24	General	About time	Noted. No response required.
25	General	Brilliant idea.	Noted. No response required.
26	General	Wow, love this idea	Noted. No response required.
27	General	Very great idea	Noted. No response required.
28	General	Agree with it	Noted. No response required.
29	General	This is a fantastic idea	Noted. No response required.
30	General	I approve of this idea to conserve the historical heritage of Braunstone, Leicester	Noted. No response required.
31	General	Area is already overcrowded and with cars and anti-social behaviour	Noted. No response required.
32	General	The village should be preserved and made a conservation area.	Noted. No response required.

33	General	I think this is a good idea we don't want more houses.	Noted. No response required.
34 (11 signatures)	General, Management Plan	We are members of the Braunstone History Group who wish to support the extension of Braunstone Conservation Area to include that part of Braunstone village located in the Blaby District Council Area and to support the joint management plan with Leicester City Council.	Noted. No response required.
35 (8 signatures)	General, CA Map	Gardens back onto greenfield site which is part of the existing old buildings to put up the proposed 13 new houses. Roads already blocked up with traffic, more cars entering and leaving the site will make it more dangerous. Approve of conservation area that includes this green space and keeps the old buildings. Trees and hedges have been cut down.	Support of conservation area noted. Specific impacts of potential development not a direct consideration for the proposed conservation area. Comments also forwarded to Case Officer for current applications on the site for consideration.



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## Blaby District Council Council

<b>Date of Meeting</b>	24 September 2024
<b>Title of Report</b>	<b>Planning Obligations and Developer Contributions Supplementary Planning Document (2024)</b> This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Ben Taylor - Planning, Transformation and ICT</b>
<b>Report Author</b>	Development Strategy Manager
<b>Strategic Themes</b>	All Themes: Enabling communities and supporting vulnerable residents; Enhancing and maintaining our natural and built environment; Growing and supporting our economy; Keeping you safe and healthy; Ambitious and well managed Council, valuing our people

### 1. What is this report about?

- 1.1 This report presents the replacement Planning Obligations and Developer Contributions Supplementary Planning Document (SPD), revised following a public consultation. The Council's current Planning Obligations and Developer Contributions SPD needs to be replaced as it was adopted in 2010 and since then, there have been a significant number of changes to national planning legislation and guidance. In addition, the Council's evidence, mostly notably on public open space requirements, has also been updated.

### 2. Recommendation(s) to Council

- 2.1 That Council adopt the Planning Obligations and Developer Contributions Supplementary Planning Document (2024), attached at Appendix A.

### 3. Reason for Decisions Recommended

- 3.1 To accord with national legislation, which sets out the mechanism for securing planning obligations from new development. This includes the Community Infrastructure Levy Regulations 2010 (as amended) which sets out additional legislation on the use of planning obligations.
- 3.2 To ensure that the Council's approach to securing planning obligations on new development is based on up-to-date local evidence.

## **4. Matters to consider**

### **4.1 Background**

When determining a planning application for new development, the Council must weigh up a broad range of considerations to determine whether a proposed development would be acceptable in planning terms. One of these considerations is whether the development would generate a need for new or improved infrastructure, services or facilities. Planning obligations are one mechanism for ensuring that any such need is met.

Section 106 of the Town and Country Planning Act 1990 provides the mechanism for planning obligations to be secured from development. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out additional legislation on the use of planning obligations. They state that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The Council assesses planning applications to determine whether a planning obligation is needed. This process firstly considers the Council's adopted Local Plan policies (for example on affordable housing, public open space and infrastructure requirements). Discussions will also be undertaken with other public bodies responsible for the provision of key services and infrastructure (for example Leicestershire County Council). This SPD provides further guidance to applicants, developers and other interested parties on how planning obligation requirements will be formulated and managed.

To ensure a transparent and accessible planning system, it is important to enable and encourage individuals, organisations and interested parties to review and comment on draft supplementary planning guidance. This will also help to ensure that the proposed document is both accurate and robust.

The Council's existing SPD was adopted in 2010. Since this time, there have been extensive legislative changes to the planning system at both the national and local level. The replacement to the SPD is therefore needed to ensure that the Council can continue to successfully request and obtain planning obligations to help fund and deliver the various services and infrastructure necessary to help deliver new growth and development.

### **4.2 Proposal(s)**

To accord with changes in legislation, national guidance, and local policy evidence; it is recommended that Council adopts the Planning Obligations and Developer Contributions Supplementary Planning Document (2024), attached at Appendix A.

### 4.3 Relevant Consultations

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that SPDs must be subject to public consultation prior to their adoption by the local planning authority. Following approval from Council in January, the draft SPD was published for public consultation between 22 March and 26 April, with 15 responses being received. The consultation trialled the use of an online form, but responses could also be submitted via email and post. The responses and corresponding Officer comments are attached at Appendix B

In addition, internal consultation had previously been undertaken with Officers from Planning, Housing Strategy, Environmental Services, Legal, and Parks and Open Spaces.

### 4.4 Significant Issues

#### Equalities

The SPD will update the Council's guidance on how it will request planning obligations and developer contributions from new development to support the District's residents and communities. This includes services and infrastructure used by and available to all sectors of the community (for example highway infrastructure, public open space, education, and health care facilities). The SPD also covers special and affordable housing which are needed by some of the District's more vulnerable groups.

## 5. What will it cost and are there opportunities for savings?

- 5.1 There are no additional costs associated with the adoption of the Planning Obligations and Developer Contributions Supplementary Planning Document (2024),

## 6. What are the risks and how can they be reduced?

### 6.1

Current Risk	Actions to reduce the risks
Requests for planning obligations and developer contributions do not take into consideration the guidance set out within the SPD.	Raise awareness of the contents of the SPD within various Council departments to ensure that requests are informed by up-to-date evidence, legislation and guidance.
Changes to national planning policy and legislation.	The SPD provides supplementary detail to adopted local plan policies only. It has been drafted flexibly to allow for a degree of change. Should there be significant national changes then the SPD can be updated.

	However, it should be noted that it is not expected that this guidance will apply to sites post adoption of the new local plan given the Governments proposals to scrap SPDs as set out in the Levelling Up and Regeneration Act (LURA) 2023.
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## **7. Other options considered**

### **7.1 To not adopt the SPD**

The current SPD was adopted in 2010 and since then there have been several changes to legislation (most notably the CIL Regulations). Also, local evidence has been updated (most notably on public open space). Furthermore, the policy approach of other key service providers (for example Leicestershire County Council) has been updated. The 2010 SPD is therefore considered to be significantly out of date and not adopting an updated version risks a reduction in the planning obligations and developer contributions which may be sought on new developments. Without the updated SPD, the District is potentially missing out on increased financial contributions from developers.

## **8. Environmental impact**

- 8.1 The SPD has undergone Strategic Environmental Assessment (SEA) screening with the outcome that there are unlikely to be significant environmental effects from the SPD. The planning obligations and developer contributions sought through the SPD aim to have positive impact on the environment, particularly in relation to ensuring the provision of open space.

## **9. Other significant issues**

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Public Health Inequalities, and Climate Local and there are no areas of concern.
- 9.2 Consideration has been given to issues relating to Equalities as addressed in paragraph 4.4. An Equality Impact & Needs Assessment has been completed for the SPD. Any actions identified as part of this process will be addressed appropriately.



## **10. Appendix**

10.1 Appendix A – Planning Obligations and Developer Contributions  
Supplementary Planning Document (2024)

10.2 Appendix B – Consultation Responses with Officer Comments

## **11. Background paper(s)**

11.1 Equalities Impact and Needs Assessment (EINA) for Planning Obligations  
and Developer Contributions Supplementary Planning Document (2024)

Blaby District Local Plan (Core Strategy) (2013)

Blaby District Local Plan (Delivery) Development Plan Document (2019)

National Planning Policy Framework

National Planning Practice Guidance

## **12. Report author's contact details**

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## Executive Summary

The provision of new homes, employment, community and recreational facilities are essential to support the current and future needs of the District's residents. The process of planning for this new development provides an opportunity to secure new services, infrastructure, community benefits and environmental enhancements.

Furthermore, where new development is acceptable in principle, but the proposal could result in impacts which cannot be controlled through the use of planning conditions, planning obligations can be used to mitigate the impacts and make the development acceptable in planning terms. Planning obligations can require a developer to either deliver new provision or contribute towards services, facilities or infrastructure by way of physical works or financial contributions.

This Supplementary Planning Document (SPD) sets out how the District Council will use its powers as the Local Planning Authority to ensure that new development contributes to the necessary provision of services, facilities and infrastructure needed to support the District's future residents and communities.

It should be noted that an SPD is not a policy document and this SPD does not seek to increase the reach of infrastructure requirements or change the council's planning requirements as set out in the adopted Local Plan. It however pulls together the most up to date information regarding costs and requirements as set out in the Blaby Core Strategy and Delivery Development Plan Document and seeks to update the SPD adopted published by the Council in 2010.

## 1. Introduction

### Purpose of the document

- 1.1 The purpose of this Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) is to set out the Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the District.
- 1.2 Once adopted, this document will replace Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document (2010) and the associated supporting evidence base for open space, sport and recreation. Although it does not form part of the development plan, it will be a material consideration in decision-making.
- 1.3 This SPD does not cover every possible circumstance and/or obligation that may need to be taken into account. The document does not stand alone and should be read in conjunction with Blaby District's adopted development plan and Leicestershire County Council's most up to date Planning Obligations Policy<sup>1</sup> and other SPDs that may be prepared by the Council from time to time.
- 1.4 The guidance set out within this SPD must also comply with national legislation. Since the introduction of the Community Infrastructure Levy Regulations in 2010, the Government have set out a series of reforms. This document reflects national legislation at the time of writing. Any future changes to national legislation may therefore supersede the guidance set out within this document.
- 1.5 It is expected that this SPD will remain in force until such time as a new Local Plan is adopted. At that point the planning obligations needed to support development will be set out within relevant updated Local Plan policies reflecting the Government's intention to abolish the use of SPDs and replace these with Supplementary Plans which will be used for area based guidance only.

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<sup>1</sup> [Developer contributions | Leicestershire County Council](#)

### **What are Planning Obligations?**

- 1.6 When determining a planning application for new development, the District Council weighs a broad range of considerations to assess whether a development would be acceptable in planning terms. One of those considerations is whether the development would generate a need for new or improved infrastructure<sup>2</sup>, services or facilities. Planning obligations are one mechanism for ensuring that any such need is met. Other mechanisms include Government grants for infrastructure, as seen at the Lubbesthorpe development.
- 1.7 A planning obligation is a legally enforceable commitment secured by either a deed of agreement or a unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended). They run with the land to which planning permission has been granted and assist in mitigating the impact of development to make it acceptable in planning terms.
- 1.8 Planning obligations can be secured to support the delivery of a wide range of infrastructure, such as the provision of affordable housing, improvements to open space or increased capacity in local services such as schools. The new or improved facilities may either be provided directly by the developers, or via a financial contribution paid to the District and / or County Council, who will enable the necessary investment to be made.

### **What is Community Infrastructure Levy?**

- 1.9 The Community Infrastructure Levy (CIL) came into force on 6 April 2010. It is a planning charge which can be levied by local authorities on new development in their area. It is intended to be a tool for local authorities to use to help deliver necessary infrastructure needed to support development.
- 1.10 The CIL levy only applies in areas where a local authority has consulted on and approved a charging schedule, which sets out its levy rates. The Council has previously explored adopting CIL but at the time of writing, the Council does not have an adopted CIL charging schedule in line with the currently adopted Core Strategy Feb 2013. Should the Council adopt a charging schedule in the future, this document will be updated accordingly.

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<sup>2</sup> Infrastructure here means that which can be funded through planning obligations, such as highways, education, open space, health and waste. Utilities such as water, gas, and electricity are not funded through planning obligations.



## **2. Policy Framework**

### **Legislative Context**

- 2.1 Section 106 of the Town and Country Planning Act 1990 provides the mechanism for planning obligations to be secured from development. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out additional legislation on the use of planning obligations.
- 2.2 CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 2.3 Developer contributions will reflect additional or gap funding needs arising directly from the impact of the proposed development and are not intended to provide general funding or unrelated off-site infrastructure.
- 2.4 The 2019 amendments<sup>3</sup> to the CIL Regulations removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure. This means that, subject to meeting the above 3 CIL regulation tests, charging authorities can now utilise an unrestricted number of planning obligations to pay for a piece of infrastructure. However, financial developer contributions secured, received and spent must be published annually in an Infrastructure Funding Statement.

### **National Planning Policy**

- 2.5 The National Planning Policy Framework (NPPF) states that local planning authorities should consider whether otherwise unacceptable development proposals could be made acceptable through the use of conditions or planning obligations. It goes on to comment that the use of planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 2.6 Where up-to-date policies have set out the contributions expected from development the NPPF states that planning applications that comply with them should be assumed to be viable. It is then up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight given to a viability assessment is a matter for the decision-maker. The NPPF requires that all viability assessments,

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<sup>3</sup> The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

including any undertaken at the plan-making stage, should reflect the approach in national guidance and be made publicly available.

### **Local Planning Policy**

- 2.7 The statutory Development Plan for the District currently comprises:
- The Blaby District Local Plan Core Strategy (2013);
  - The Blaby District Local Plan Delivery DPD (2019);
  - The Leicestershire Minerals and Waste Local Plan (2019); and
  - The Blaby Neighbourhood Plan 2018.
  - The Fosse Villages Neighbourhood Plan 2021.
  - The Leicester Forest East Neighbourhood Plan 2022
  - The Cosby Neighbourhood Plan 2023
  - The Glenfield Neighbourhood Plan 2023
- 2.8 The Blaby District Local Plan Core Strategy and Delivery DPD set out the spatial development framework for the District. It contains both strategic and development management-based policies and includes housing and employment land allocations.
- 2.9 Local Plan Core Strategy Policy CS12 – Planning Obligations and Developer Contributions states that planning obligations and developer contributions will be sought and guided by the Council's latest Supplementary Planning Document on Planning Obligations and Developer Contributions, and other evidence of need.
- 2.10 To help support the delivery of the Local Plan, Leicestershire County Council (LCC) provides and maintains a number of key types of infrastructure necessary to facilitate the delivery of new development. These include:
- Adult Social Care and Health;
  - Household Waste Recycling Centres and Waste Management;
  - Education;
  - Highways and Transportation;
  - Library Services; and
  - Public Health.

It is therefore important that attention is also paid to LCC's most up-to-date planning obligations policy.

### 3. Approach to securing planning obligations

#### Summary

- 3.1 There will be consultation with other public bodies responsible for infrastructure provision. Leicestershire County Council for example is key provider of services and infrastructure.
- 3.2 The nature of planning obligations means that each obligation needs to be considered individually, having regard to each site's specific circumstances. It is however, possible to identify common issues that are likely to arise from development proposals. In line with the Council's adopted Local Plan documents, planning obligations are likely to be requested for the following:
- **Affordable Housing:** Blaby District Local Plan Core Strategy Policy CS7 sets a requirement for a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. Where it can be demonstrated that this requirement would make a development unviable, a reduced percentage of affordable units and/or a revised tenure split will be negotiated. Affordable housing must be provided on site unless it is agreed that significant material considerations demonstrate otherwise.
  - **Open space, sport and recreation:** Blaby District Local Plan Delivery DPD Policy CS15 sets out updated standards to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The provision standards set out within the policy are per 1000 population for each typology. Facilities must be provided on site unless it is agreed that significant material considerations demonstrate otherwise.
  - **Infrastructure and facilities to support growth:** Blaby District Local Plan Core Strategy Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. To achieve this, the Council will work in partnership with relevant infrastructure and service providers to ensure that new developments provide the necessary infrastructure, services and facilities.

Appendix D of the Blaby District Local Plan Core Strategy sets out the Infrastructure Plan. This states that in most cases contributions towards the following infrastructure will be sought:

- Education
  - Health care (primary care)
  - Green Infrastructure
  - Transport
  - Police / emergency services
  - Civic waste
  - Green Travel Packs
  - Libraries
- **Other contributions:** The Blaby District Local Plan Core Strategy's Infrastructure Plan is not exhaustive and is based on a snapshot in time. There may be instances where a development would result in a material increase in need for other types of infrastructure. In these cases the District Council will negotiate with a developer on a case by case basis, having regard to site-specific circumstances and viability.
- 3.3 The provision of infrastructure and facilities, required by a planning obligation, will be expected to be provided on-site. There may however, be circumstances where on-site provision may not be practical or appropriate. In such cases the District Council will seek financial contributions towards the provision (including maintenance) of infrastructure / facilities at an appropriate alternative location.
- 3.4 Further details of the types of contributions, and the developments they will be sought on are set out within Section 4.

### **Sub-division of Sites**

- 3.5 Developing sites incrementally or sub-dividing a site to avoid contributions will not be acceptable. The needs generated by a site as a whole should be used as the basis on which to seek contributions. This will ensure that the necessary contributions are divided fairly, between different developers (if applicable) and will also ensure that the services and facilities that are required to mitigate the development can be delivered in a comprehensive manner.
- 3.6 Blaby District Council will take a pragmatic approach towards the phasing and delivery of facilities, services and contributions to take account of site constraints, and encourage early engagement and collaboration between parties. Where a housing site is developed in phases or through multiple applications, and where the sport, recreation or open space provision is required on-site within the allocation, this provision is required to be masterplanned, co-ordinated and delivered, on an allocation-wide basis, by the promoters, landowners and/or developers working together. In these

circumstances, a single site for sport and recreation facilities such as playing pitches, or a strategic open space, the provision of which is to serve all of the allocation, may be required. The proposals for open space provision on-site or off-site should similarly be coordinated and delivered on an allocation-wide basis by the landowners/developers working together to ensure that the provision fits within the overall policies of the current adopted Blaby District Local Plan. If the required on-site provision is not delivered in the first/early phases of a housing site allocation, then these first/early phases planning permission will only be granted if the land required for sport, recreation or open space has been legally secured to ensure delivery of the required future provision.

### **Development Sites Within a Close Geographical Area**

- 3.7 Combining numbers from multiple developments in a close geographical area is unlikely to be feasible for open space provision. However, where there are separate housing allocations or developments in a close geographical area, for example around a village, that taken together generate a need for a whole facility or piece of infrastructure, for example a school or GP surgery, contributions may need to be made from all of them. This can ensure the provision of new facilities can meet the anticipated demand of cumulative growth. Such a facility may need to be located on land on one of these housing development sites. Through early engagement with the District Council and the masterplanning of such sites, opportunities should be sought to secure delivery into the most appropriate site, or on new unallocated sites, or on sites with an existing service provision and available space. Developers will be expected to work with the District Council to identify a solution which is acceptable and deliverable. Separate housing allocations or developments which are within a close geographical area will only be granted planning permission once an approach to deliver the required infrastructure or facility to meet the needs of future site occupants has been identified.

### **Pre-Application Discussions**

- 3.8 Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application once validated. Applicants are therefore encouraged to engage with the District Council at the earliest opportunity, regarding any development proposal which may require the use of a planning obligation. It is the Council's strong preference that negotiations occur and agreement on Heads of Terms is achieved, prior to the submission of a larger scale and / or more complex planning application.

### **Unilateral Undertakings**

- 3.9 A Unilateral Undertaking is a simplified version of a Section 106 planning agreement that is signed by developer and any other party with a legal



interest in the development site and is submitted to the Council. Unlike a Section 106 Agreement, the Council is not required to enter into a Unilateral Undertaking. They consist solely of the payment of financial contributions, to be paid at agreed stages, but usually on the granting of planning permission and / or prior to or at different stages of development completion. This approach allows applicants for small schemes to reduce legal costs and avoid potential delays often associated with S106 legal agreements.

### **Viability**

- 3.10 One of the key objectives of this SPD is to indicate the likely level of planning obligations that can be expected from proposed development, in advance of any planning application being submitted. Applicants can then factor these requirements into potential scheme costs at an early stage. The National Planning Practice Guidance (NPPG) clearly states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Where a disagreement arises about financial viability and the planning obligations sought, the applicant will be expected to provide the Council with clear and transparent evidence to support their case. In most instances this will involve the Council reaching an understanding based on a detailed open book financial appraisal, undertaken by an independent assessor with the cost borne by the applicant.
- 3.11 Where there are significant financial issues arising for other public bodies responsible for providing infrastructure (including Leicestershire County Council), the Council will expect that body to be actively involved in this assessment process. The Council will require this evidence to be submitted in a timely manner, prior to the determination of the planning application.
- 3.12 Section 106A of the Town and Country Planning Act allows planning obligations to be modified or discharged in certain circumstances where the developer and planning authority wish to do so. Therefore any requests will be considered and dealt with proactively on a case by case basis by the District Council, to avoid any unnecessary delays in the starting of development.

### **Timing of Payments**

- 3.13 The timing of financial payments under planning obligations will vary depending on their purpose and the time they become necessary to ameliorate the impact of development. Usually, the payment of a financial contribution will be in response to development trigger points to ensure that requirements are met as development continues.

- 3.14 The trigger points for payments of financial contributions will be set out within the signed Section 106 Agreement. It is the responsibility of the developer to make payments prior to the implementation of planning permission or in accordance with the agreed trigger points.
- 3.15 The applicant should note all the corresponding triggers or payment dates for all of the planning obligations included within the S106 Agreement, prior to signing. The Council will send out reminder letters where an invoice has been raised and no payment received within the specified terms of the invoice. Non-payment within three weeks of receipt of the reminder letter will result in the Council pursuing appropriate action, which may include legal action, to ensure prompt payment of outstanding amounts. Unpaid amounts will also be subject to interest charges and indexation if applicable.
- 3.16 Upon receipt of the financial contribution, it will be held in a specific account by the Council before being transferred to the relevant internal departments or third parties (e.g. other public sector body, external service providers etc.) responsible for spending the contribution. The S106 Agreement will include a clause detailing how and when any unspent financial contributions will be refunded.

### **Indexation**

- 3.17 Financial contributions are based upon the costs of infrastructure. Contributions will therefore be indexed (i.e. index-linked to inflation) to ensure they retain their original 'real value'. The base date and appropriate index for the planning obligation(s) to be applied will be set out in the legal agreement. Where a formula has been set for the calculation levels, any cost figures used will be updated regularly to take account of inflation.

### **Fees**

- 3.18 Applicants will be liable for all legal fees for the processing, preparation and conclusion of legal agreements. Typical costs to be recovered include the legal costs of negotiating obligations, preparing, drafting, and sealing S106 agreements and Deed of Variations. This would also include the costs associated with obtaining independent advice, if necessary, to validate specific aspects of the application.
- 3.19 Financial contributions payable to Leicestershire County Council (i.e. those relating to highways, education and libraries etc.) will be subject to the County Council's own procedures. Applicants are therefore advised to refer to [Leicestershire County Council's most up to date Planning Obligations Policy<sup>4</sup>](https://www.leicestershire.gov.uk/environment-and-planning/planning/developer-contributions)

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<sup>4</sup> <https://www.leicestershire.gov.uk/environment-and-planning/planning/developer-contributions>

### Monitoring and Enforcement

- 3.20 The monitoring of developer contributions payable to the Council will be undertaken to ensure that all obligations entered into are complied with. In line with national planning guidance, the Council will collect and maintain data to inform annual infrastructure funding statements. [The funding statements will be published at least annually \(www.blaby.gov.uk\)](#) and will comply with the government's expected data format<sup>5</sup>.
- 3.21 Local planning authorities are expected to use all the funding they received through planning obligations in accordance with the terms of the individual planning obligations agreement. National planning guidance states this will ensure that new developments are acceptable in planning terms, and they benefit local communities and support the provision of local infrastructure.
- 3.22 National planning guidance also states that authorities can charge a monitoring fee through Section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of the planning obligation. Such fees are to be proportionate and reasonable, reflecting the actual cost of monitoring and a cap may be set to ensure that any fees are not excessive.
- 3.23 The District Council's monitoring fee is a percentage of secured financial contributions and reflects regulation 61, as amended by the 2014 Regulations and as set out in the Community Infrastructure Levy Guidance. Where there is no financial contribution secured the District Council will charge a flat rate of £360 per non-financial obligation. This figure of £360 has been adjusted inline with inflation from the District Council's previous Planning Obligation and Developer Contribution SPD and will also be adjusted annually in accordance with inflation and published on the Council's website.
- 3.24 Therefore, the District Council will charge 5% of the value of each type of financial contribution, or £360 (see website for updates) per non-financial contribution, whichever is greater, payable to the District Council. For large scale developments of more than 500 dwellings, a negotiated monitoring cost fee is likely to be sought which reflects the costs and time associated with the monitoring.

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<sup>5</sup> At the time of writing, National Planning Practice Guidance states that this data should include details of the development and site, what infrastructure is to be provided including any information on affordable housing, and any trigger points or deadlines for contributions. Local authorities are also required to record when developer contributions are received and when contributions have been spent or transferred to other parties.

## 4. Planning Obligation Guidance by Typology

- 4.1 This section gives specific advice for various types of infrastructure commonly required by the Council to support new development. It does not necessarily cover every circumstance and / or planning obligation that may be needed to make a new development acceptable in planning terms.

### Affordable Housing

- 4.2 The National Planning Policy Framework (NPPF) defines affordable housing as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers), and which complies with one or more of the definitions set out in Annex 2 of the NPPF.

- 4.2.1 To aid the delivery of affordable housing within the District, the Council has a specific policy within its [adopted Local Plan<sup>6</sup>](#) Core Strategy Policy CS7 – Affordable Housing, and a [Housing Mix and Affordable Housing SPD \(2013\)<sup>7</sup>](#). Applicants should therefore review these policy documents before submitting a planning application which may require the provision of affordable housing.

### Site Threshold and Requirements

- 4.2.2 Core Strategy Policy CS7 sets out a requirement of 25% of dwellings to be affordable on developments of 15 dwellings or more. A reduced percentage of affordable units will only be acceptable where it can be demonstrated that the minimum requirements would make the development of a site unviable. In such cases, an open book approach with independent scrutiny of the viability assessment will be required (with the cost borne by the applicant). Supporting the Core Strategy, Policy 7 of the Council's adopted Housing Mix and Affordable Housing Supplementary Planning Document (2013) states that affordable housing on qualifying sites should broadly represent a tenure split of:

- |                         |     |
|-------------------------|-----|
| • Social Rent           | 40% |
| • Affordable Rent       | 40% |
| • Intermediate Products | 20% |

- 4.2.3 The Government consulted on proposals to introduce First Homes in August 2020. The Government's response to the consultation was published on the 1 April 2021. First Homes were subsequently introduced through a Written Ministerial Statement<sup>1</sup> (WMS) and updates to Planning Practice Guidance

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<sup>6</sup> <https://www.blaby.gov.uk/planning-and-building/local-plan/local-plan-core-strategy/>

<sup>7</sup> <https://www.blaby.gov.uk/planning-and-building/guidance-and-policies/housing-mix-and-affordable-housing/>

(PPG) in May 2021 and further updates to PPG on 23 December 2021. First Homes are a form of discounted market sale housing. The PPG states that First Homes should comprise the first 25% of affordable housing although there are a number of limited exclusions. However, the Draft Consultation on an updated NPPF (published in August 2024) suggests that the priority for First Homes will be removed. The Council will consider the best mechanism to update its policy to ensure it suitably considers national guidance, including though an update to the existing SPD where appropriate. In advance of updating our guidance we strongly recommend that developers submitting a planning application contact the Council's strategic housing team to discuss the mix of affordable homes on major sites<sup>8</sup>.

4.2.4 The Housing Mix and Affordable Housing SPD states that affordable housing must be fully integrated with market properties in their design, layout and location within the development. Policy 8 of the document states that in the interests of creating sustainable and mixed communities, affordable units should be spread across the development in clusters of no more than 6 dwellings.

4.2.5 The Council requires all affordable homes to be provided as 'tenure blind' (i.e. there should be no discernible difference between affordable housing tenures and / or market housing). Applicants are encouraged to engage in pre-application or early discussions with the Council as part of a full planning application in order to reach an agreement over the most appropriate approach for a scheme.

4.2.6 The Council's Local Plan does not set out detailed policies on affordable housing standards. Applicants are therefore encouraged to consider the most up to date national standards for affordable housing. Many registered providers of affordable housing have limits that reflect national standards and applicants are also encouraged to consider these when designing affordable housing.

#### Specialist Housing

4.2.7 Policy DM11 of the Local Plan Delivery DPD sets out a requirement that development proposals of 20 dwellings or more must provide at least 5% of dwellings to meet the Building Regulations Standard M4(2) (accessible and adaptable dwellings). Depending on local needs, this requirement may also be provided as affordable housing. Pre-application discussions with the Council will confirm if there is a sufficient level of need within the local area (i.e., settlement or Parish).

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<sup>8</sup> Housing.Strategies@blaby.gov.uk



#### Off-site Provision and Commuted Sums

- 4.2.8 The delivery of affordable housing will be expected to be provided on site. Provision of affordable housing on an alternative site, or by way of commuted sum, will only be allowed in exceptional circumstances, where it can be robustly justified.
- 4.2.9 Exceptional circumstances could include where it can be proven that offsite provision would better meet identified needs; and/or where it can be proven that on site provision is not financially viable.
- 4.2.10 In the event that the Council accepts there are exceptional circumstances that merit either the payment of a commuted sum or the provision of off-site affordable housing in lieu of on-site affordable housing provision, the basis for the calculation will be the Council's most up to date Housing Mix and Affordable Housing SPD. Where a percentage calculation for off-site affordable housing results in a fraction of affordable housing provision, this will either be rounded up to the nearest whole number, or the fraction will be paid as a financial contribution.

### Open Space, Sport and Recreation

- 4.3.1 To ensure the provision of sufficient, high quality and accessible open space, Updated Core Strategy Policy CS15 (set out within the Blaby District Local Plan Delivery DPD) sets out the following quantity (in hectares) and accessibility (in metres) standards per 1000 population<sup>9</sup>:

Parks and Recreation Grounds*	0.23 ha (1280 metres) *
Natural greenspace	2.6 ha (1600 metres)
Informal Open Space	1 ha (800 metres)
Provision for children and young people areas	0.06 ha equipped play (1040 metres)
Allotments and community gardens	0.25 ha (1440 metres)
Cemeteries and churchyards	0.21ha (1200 metres or 15 minutes travel time)
Outdoor Sports Space	Refer to Open Space Audit for guidance on quantity and quality requirements.
Village and community halls	1 village or community hall per 2200 people (800 metres or 10 minutes travel time)

- 4.3.2 The evidence base for the above policy is the Blaby District Open Space Audit (2015). However, the Council has commissioned additional studies to update the evidence and so updates to the Open Space Audit should be used where available.

#### Threshold for provision

- 4.3.3 Building on the Council's adopted quantity and accessibility standards (see Paragraph 4.3.1.) the following table provides guidance on the typologies of public open space that will normally be requested on residential development proposals of varying sizes.

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<sup>9</sup> Broadly speaking a typical development of around 400 homes will lead to a population increase of around 1000 people within Blaby District.

Table 1: Open space requirements by number of units per site

<b>Typology of Provision</b>	<b>1-19 dwellings</b>	<b>20-49 dwellings</b>	<b>50-99 dwellings</b>	<b>100-199 dwellings</b>	<b>200+ dwellings</b>
<b>Parks and Recreation Grounds</b>	Off-site	Off-site	Off-site	Off-site	On-site
<b>Natural Greenspace</b>	Off-site	Off-site	Off-site	On-site	On-site
<b>Informal Open Space</b>	Off-site	On-site	On-site	On-site	On-site
<b>Provision for children and young people</b>	Off-site	Off-site	On-site (LAP)	On-site (LEAP)	On-site (NEAP)
<b>Allotments and community gardens</b>	Off-site	Off-site	Off-site	Off-site	On-site

4.3.4 The requirements set out in Table 1 have been informed by the Council's most up to date evidence on open space. This is based on consideration of what is both practically deliverable on sites of varying residential capacities and also the potential recreational value of new areas of public open space. For example, with the exception of play spaces, it is considered that open spaces of less than 0.15 ha site area are of limited recreational value and are expensive to manage and maintain. The Council would therefore not pursue an onsite open space contribution for such open spaces.

4.3.5 Council will usually expect public open space which can be provided on site to be located as such. However exceptionally there may be valid reasons to allow for offsite provision. This could include for example where the provision of a specific type of space may not be appropriate in that location, for example allotments on remediated land.

### Types of development eligible for on-site provision

- 4.3.6 Table 2 details the types of housing that are considered eligible for making contributions towards open space to meet the needs of future occupants. Occupiers of permanent mobile homes are considered by the Council to be permanent residents of the district and therefore expected to contribute to additional open space provision.

Table 2: Open space requirements by residential typologies

Category	Housing & flats	Independent housing for the elderly	Permanent mobile homes
Parks and Recreation Grounds	✓	✓	✓
Natural Greenspace	✓	✓	✓
Informal Open Space	✓	✓	✓
Provision for children and young people	✓ (on 2 bed or more units)	×	✓ (on 2 bed or more units)
Allotments and community gardens	✓	✓	✓

- 4.3.7 2011 Census data for the District indicates that the average occupancy level for 1 bed units is less than 2 occupants. Open space provision for children and young people will therefore not normally be sought on such units as they may not generate additional demand for this typology. This will be reviewed and updated as necessary when new Census data is available.

### Open space requirements

- 4.3.8 Subject to the information set out in Tables 1 & 2, the required amount of open space shall be provided on-site unless significant material considerations indicate otherwise. Off-site provision / contributions will only be considered where on-site provision is not feasible / impractical or where better provision could be provided off site. It may be relevant to include an element

of optionality in the provision of facilities on and off-site; for example, where there are doubts as to the deliverability of an off-site solution that would otherwise deliver greater planning benefits. In such circumstances, trigger points can be used to ensure that in the event a preferable off-site solution is no longer feasible, on-site facilities are provided.

4.3.9 At the time of writing, the Council is not looking to adopt or maintain additional public open space. The Council's preference is therefore for public open space to be maintained by either a private management company or the relevant town or parish council (where they are willing and able to do so with a maintenance contribution). However, exceptionally, the Council may consider on a site-by-site basis, the adoption of public open space on large development sites. Responsibility for future ownership and management would be assigned through the delivery mechanism.

4.3.10 When determining the amount of open space required, the Council will consider the quantity, accessibility and quality of existing open space within the parish area and where a development site is close to a parish boundary, consideration will be given to existing open space within the neighbouring parish. The following section provides further guidance on the requirements the Council will seek.

#### Quantity

4.3.11 The following series of tables set out how the adopted Local Plan's quantity requirements for each open space typology will be applied to dwellings of various sizes. The requirements should be provided on-site, unless further provision can be provided in the local area or on-site provision is not feasible.

4.3.12 In the case of outline planning applications where no detail is available for calculating open space provision, the s106 agreement should include the following wording:

"In the event that at the time of an application for approval of Reserved Matters an off-site open space contribution is required [in addition to or], in lieu of the full provision or part provision of on-site open space contribution, the off-site open space contribution will be negotiated having regard to the requirements set . The off-site open space contribution will be subject to indexation from the date of this legal agreement or the date of [outline planning permission], [the approval of Reserved Matters] whichever is earlier."



Table 3: Allotments and community gardens requirement by dwelling size

<b>Allotments and Community Gardens</b>			
<b>Dwelling Size</b>	<b>Quantity standard (m<sup>2</sup>) per person</b>	<b>Occupancy rate (based on 2011 Census data)</b>	<b>Total requirement (m<sup>2</sup>) per dwelling</b>
1 bed dwelling	2.5	1.3	<b>3.25</b>
2 bed dwelling	2.5	1.8	<b>4.5</b>
3 bed dwelling	2.5	2.4	<b>6</b>
4 bed dwelling	2.5	3	<b>7.5</b>
5+ bed dwelling	2.5	3.4	<b>8.5</b>

Table 4: Informal open space requirement by dwelling size

<b>Informal Open Space</b>			
<b>Dwelling Size</b>	<b>Quantity standard (m<sup>2</sup>) per person</b>	<b>Occupancy rate (based on 2011 Census data)</b>	<b>Total requirement (m<sup>2</sup>) per dwelling</b>
1 bed dwelling	10	1.3	<b>13</b>
2 bed dwelling	10	1.8	<b>18</b>
3 bed dwelling	10	2.4	<b>24</b>
4 bed dwelling	10	3	<b>30</b>
5+ bed dwelling	10	3.4	<b>34</b>

Table 5: Parks and recreation grounds by dwelling size

<b>Parks and Recreation Grounds</b>			
<b>Dwelling Size</b>	<b>Quantity standard (m<sup>2</sup>) per person</b>	<b>Occupancy rate (based on 2011 Census data)</b>	<b>Total requirement (m<sup>2</sup>) per dwelling</b>
1 bed dwelling	2.3	1.3	<b>2.99</b>
2 bed dwelling	2.3	1.8	<b>4.14</b>
3 bed dwelling	2.3	2.4	<b>5.52</b>
4 bed dwelling	2.3	3	<b>6.9</b>
5+ bed dwelling	2.3	3.4	<b>7.82</b>

Table 6: Provision for children and young people requirement by dwelling size

<b>Provision for Children and Young People<sup>10</sup></b>			
<b>Dwelling Size</b>	<b>Quantity standard (m<sup>2</sup>) per person</b>	<b>Occupancy rate (based on 2011 Census data)</b>	<b>Total requirement (m<sup>2</sup>) per dwelling</b>
1 bed dwelling	No requirement	1.3	No requirement
2 bed dwelling	0.6	1.8	<b>1.08</b>
3 bed dwelling	0.6	2.4	<b>1.44</b>
4 bed dwelling	0.6	3	<b>1.8</b>
5+ bed dwelling	0.6	3.4	<b>2.04</b>

<sup>10</sup> No requirement is likely to be sought for 1 bed dwellings. The 2011 Census data shows that such dwellings, on average, have less than 2 occupants.

Table 7: Natural greenspace requirement by dwelling size

<b>Natural Greenspace</b>			
<b>Dwelling Size</b>	<b>Quantity standard (m<sup>2</sup>) per person</b>	<b>Occupancy rate (based on 2011 Census data)</b>	<b>Total requirement (m<sup>2</sup>) per dwelling</b>
1 bed dwelling	26	1.3	<b>33.8</b>
2 bed dwelling	26	1.8	<b>46.8</b>
3 bed dwelling	26	2.4	<b>62.4</b>
4 bed dwelling	26	3	<b>78</b>
5+ bed dwelling	26	3.4	<b>88.4</b>

#### Accessibility

4.3.13 Open spaces that are likely to be used on a frequent basis need to be within easy walking distance and have safe access. To ensure that all residents have suitable access to each open space typology, updated Core Strategy Policy C15 – Open space, sport and recreation also sets out the series of desirable access standards (in walking distance) to various typologies of open space.

Table 8: Accessibility standards

<b>Desirable access standards in walking distance</b>	
Allotments and Community Gardens	1,440 metres
Informal Open Space	800 metres
Parks and Recreation Grounds*	1,280 metres*
Provision for Children and Young People	1,040 metres
Natural Greenspace	1,600 metres

\*This standard applies to all parishes with a population of 6000 or more

4.3.14 The above accessibility standards will be used in conjunction with the quantity standards (set out in Tables 3-7) to ensure that proposals for residential development provide a sufficient amount of accessible on-site open space or make a suitable contribution to off-site provision (which could be the provision of additional space or upgrades to existing).

4.3.15 As previously stated within this guidance, an area may have a good supply of existing open space and a proposed development may fall within the above walking distances. This does not necessarily mean that additional provision / contributions are not required. The existing open space(s) may be well used but be poor quality / require improvement.

#### Quality

4.3.16 The quality and design of open spaces can be a crucial factor in its level of use and enjoyment. Well-designed spaces can encourage increases in resident's daily activity levels, as well as greatly contributing to the natural and biodiversity value of the District. They can also enhance the sale value of the associated dwellings.

#### Delivering well designed open spaces

4.3.17 A key element of good quality open spaces is their ability to be multifunctional. Open space can provide numerous functions such as providing space for informal recreation and relaxation, habitats for wildlife and improve air quality. Well-designed open space can therefore provide attractive landscapes and improve resident's health and wellbeing.

4.3.18 To help ensure that new and existing areas of open space become and remain important and valued local resources, they should be designed and well-maintained so that they are accessible to all members of the community. They should also provide safe and secure environments for all of those using them.

4.3.19 For informal open spaces, a minimum size site of 0.15ha is recommended. This should be capable of supporting informal recreation, include high quality planting which helps to increase the biodiversity value, and be easily maintained. These objectives can be secured through a well-designed landscaping scheme, which also considers ways in which such spaces can connect to surrounding areas of open space and biodiversity value.

4.3.20 For parks and recreation grounds, national guidance relevant to this typology is provided in the 'Green Flag' quality standard for parks. For natural green

spaces, the shape and size of the space provided should allow for meaningful and safe recreation.

- 4.3.21 In urban environments, protecting, creating and enhancing natural and semi-natural features is a win-win approach to delivering positive outcomes for both people and wildlife. All new and improved open space should therefore be designed and maintained to benefit both local residents and the local/wider environment.

#### Delivering well designed play spaces

- 4.3.22 The provision of open space for children and young people within the District will be guided by the Fields in Trust (and any successor organisation) recommendations. These requirements are set out in Table 9 below.

Table 9: Children and young people open space requirements

<b>Equipped provision type</b>	<b>Age group</b>	<b>Minimum size of activity area</b>	<b>Minimum buffer zone</b>
Local Area for Play (LAP)	Children	LAP - 100 sq m active playable space (need not be equipped).	5m separation between the activity playable space and the nearest dwelling.
Local Equipped Area for Play (LEAP)	Pre-teens	LEAP - 400 sq m activity zone area.	20m separation between activity zone and the habitable room façade of the nearest dwelling.
Neighbourhood Equipped Area for Play (NEAP) including a MUGA	Older pre-teens and teens	NEAP - 1000 sq m activity zone divided into two parts: one containing a range of playground equipment and the other a hard surface MUGA of at least 465 sq m.	30m separation between the activity zone and the boundary of the nearest dwelling.

- 4.3.23 Where new on-site, or improvements to existing, play space is required applicants are encouraged to consider [Design for Play: a guide to creating successful play spaces](https://www.playengland.org.uk/designforplay) (<https://www.playengland.org.uk/designforplay>) or any updated or successor document). The document provides non-statutory guidance and aims to support good practice in innovative design and improvement of public play space.



**Design for Play: A guide to creating successful play spaces**

The 10 principles for designing successful play space

Successful play spaces...

- Are 'bespoke'
- Are well located
- Make use of natural elements
- Provide a wide range of play experiences
- Are accessible to both disabled and non-disabled children
- Meet community needs
- Allow children of different ages to play together
- Build in opportunities to experience risk and challenge
- Are sustainable and appropriately maintained
- Allow for change and evolution.

4.3.24 The design of play space is encouraged to fit its surroundings and enhance the local environment, through incorporating play into the overall landscape masterplan for new development. This could include opportunities for natural play, where appropriate (e.g., grassy mounds, planting, logs and boulders can all help to make a more attractive and playable setting for equipment). Planting can also help to attract birds and other wildlife. In urban areas with little or no green space, creating a more natural appearance can help soften the urban landscape.

4.3.25 When drawing up masterplans for residential development, which require the provision of on-site open space, applicants are encouraged to contact the Council (preferably at pre-application stage) to discuss how accessible and multi-functional open space can best be delivered.

**Calculation of off-site contributions**

4.3.26 As noted earlier the Council will usually expect Public Open Space to be provided on site. Where an off-site contribution has been deemed to be acceptable, a financial contribution will be negotiated to cover the cost of providing necessary provision and its management for a 20 year period. Each case will be considered individually. Where provision is not appropriate on site, a contribution based on the cost of provision elsewhere will be made having regard to local needs and the typology of the provision and will be negotiated having regard to the most up to date costings such as those set

out in the most recent Spon's Architects' and Builders' Price Book data. Up to date costings are available on the Council's website.

4.3.27 It should not be assumed that open space will be adopted by the local authority. They may be managed by a Management Company (ManCo) or a Parish Council.

4.3.28 Where there is insufficient certainty regarding the bedroom numbers per unit, the s106 Agreement at the outline planning application stage will state the figures and indexation to be used and when they will be used. This will ensure that any future changes to the development proposal will contribute the necessary amount of commuted sums towards open space.

#### Active Travel Infrastructure

4.3.29 Local Cycling and Walking Infrastructure Plans (LCWIPs) have been prepared by both the District Council and County Council. These LCWIPs set out ambitious plans to significantly enhance local walking and cycling provision and provide benefits in respect of public health, climate change and accessibility by boosting transport choice, especially for shorter journeys.

4.3.30 Where new development site is proposed which aligns with proposed routes, the Council will seek to work with developers to ensure that the scheme does not prejudice the delivery of new infrastructure, and where appropriate, contributes towards its delivery including through the provision of routes through the site and the enhancement of routes surrounding the site to enhance local connectivity.

#### Household and Municipal Waste

4.3.31 As set out in Local Plan Policy CS23 the Council will work with its partners, including Leicestershire County Council as the Waste Disposal Authority, in order to research and develop coordinated services and appropriate infrastructure for waste collection, treatment, transfer and disposal.

4.3.32 Effective household waste management is important in developing sustainable communities to ensure that waste production is reduced and recycling is increased. As a waste collection authority, Blaby District Council is responsible for the collection of household waste. Residential waste is currently collected in two wheeled bins. One for refuse and one for recycling. The Council also offers a paid for garden waste collection.

4.3.33 Policy CS12 of the Core Strategy requires that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute toward their provision (and in some cases maintenance). One of the demands on a growing community is the need to be able to deal with

household waste management and in major developments of 10 or more dwellings, the Council will seek and encourage, developers to make contributions appropriate to provide suitable facilities for recycling and waste collection, for example wheelie bins. Where a development would produce extra demand on local waste management beyond the capacity of existing provision, planning obligations may be sought to meet the needs arising to make the development acceptable.

4.3.34 The current cost of providing a two wheeled bin in Blaby is £24.50 per bin. To cover the cost of bins for recycling and refuse £49.00 per household will be sought on all major schemes. Costs will increase periodically, and any changes to the cost of two wheeled bins will be highlighted on the Council's website.

4.3.35 Contributions for Household Waste and Recycling receptacles will be spent on the purchase of receptacles for new homes. Spending will be reported as a specific item in the Infrastructure Funding Statement.

#### **Sustainable Drainage Systems (SuDS)**

4.3.36 The primary function of SuDS is to ensure that flood risk is not increased on-site, as a result of new development. The use of SuDS is therefore encouraged, where appropriate, to enhance natural forms of drainage.

4.3.37 On-site provision of SuDS will not normally be counted towards the open space typology requirements set out within Updated Core Strategy Policy CS15. However, where SuDS have been designed to be multi-functional (i.e. have clear public access, basins are permanently wet in the interests of biodiversity etc.) and form part of a wider landscaping scheme (of at least 0.15 ha) consideration may be given to including it within the open space requirements. It will be up to the applicant to demonstrate to the satisfaction of the Council that the proposed SuDS would be multi-functional and forms part of the wider public open space provision.

#### **Biodiversity Net Gain (BNG)**

4.3.38 Under the Environment Act 2021, all planning permissions granted in England (bar a few exemptions) will have to deliver a 10% Biodiversity Net Gain (BNG) on site. The National Planning Policy Framework also refers to BNG being sought through planning policies and decisions. The Planning Practice Guidance states that, in appropriate circumstances, planning conditions or obligations can be used to require that a planning permission provides for works that will measurably increase biodiversity. However, there are limits to the functions of open spaces particularly in the context of BNG. Nonetheless, open space land and other amenity land can provide wildlife habitat and if it

can be demonstrated by the applicant that the land can be multi-functional then land for BNG can also be counted as open space.

- 4.3.39 The Council will encourage developers to firstly minimise biodiversity losses by retaining the most important existing habitats as part of any new development scheme. However, where losses occur as part of any scheme the Council will work positively with developers seeking to replace losses on site. Where this is not possible, we would encourage offsetting on land immediately adjoining the site or nearby such that communities affected by any loss could benefit from new habitat creation where this is an option for the developer. Where there are no demonstrable opportunities to offset losses in the local community offsetting elsewhere will be accommodated.
- 4.3.40 Blaby District Local Plan Core Strategy Policy CS19 – Biodiversity and geo-diversity states that the Council will work with partners to ensure the creation and designation of new wildlife sites and enhance existing sites. The policy also looks to improve linkages between existing sites and natural habitats to further help biodiversity.
- 4.3.41 When considering development proposals of an appropriate scale and type, the Council will seek to ensure that opportunities are explored and delivered to build in biodiversity features as part of the design. This includes re-development proposals for previously developed land, as such land can provide significant biodiversity habitat.
- 4.3.42 In exceptional cases, where no alternative sites are available and development is needed, Policy CS19 states that compensatory measures should be sought which could include the provision of replacement habitats and / or the use of planning obligations to help mitigate the harmful aspects of the development. This will be carried out on a site-by-site basis.

#### Cemeteries

- 4.3.43 Updated Core Strategy Policy CS15 sets out a requirement for 0.21 ha of cemetery and churchyard space to be provided per 1000 population. The policy also sets out an accessibility standard of 1200 metres or 15-minute driving time. It should be noted that these standards and requirements are in relation to cemeteries and churchyards functioning as open spaces rather than their primary function as burial sites.

Table 10: Cemeteries and churchyards requirement by dwelling size

<b>Cemeteries and churchyards</b>
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<b>Dwelling Size</b>	<b>Quantity standard (m<sup>2</sup>) per person</b>	<b>Occupancy rate (based on 2011 Census data)</b>	<b>Total requirement (m<sup>2</sup>) per dwelling</b>
1 bed dwelling	2.1	1.3	<b>2.73</b>
2 bed dwelling	2.1	1.8	<b>3.78</b>
3 bed dwelling	2.1	2.4	<b>5.04</b>
4 bed dwelling	2.1	3	<b>6.3</b>
5+ bed dwelling	2.1	3.4	<b>7.14</b>

4.3.44 New residential developments will be expected to contribute to the provision of new, or the expansion of existing cemeteries and churchyards. Contributions to such provision will only be sought where the need generated by the development cannot be met by existing sites.

4.3.45 Any financial contributions sought for land acquisition, laying out, and future management and maintenance of a cemetery or churchyard will be negotiated on a site-by-site basis. The contributions sought will be dependent upon site circumstances and commensurate to the need generated by the development.

### Sports

4.3.46 Updated Blaby District Local Plan Core Strategy Policy CS15 (set out within the Local Plan Delivery DPD) states that for guidance on quantity and quality requirements, reference should be made to the most up to date Open Space Audit. The Council has commissioned a Playing Pitch Strategy to assess existing outdoor sports provision within the District to help identify gaps and potential priorities for future investment. The Council's Health and Leisure team should be consulted in relation to identifying the need for additional and improvements to sports facilities.

4.3.47 In line with Sport England best practice, minimum quality standards (per x amount of population) are not set out within this document. Requirements for additional outdoor sports facilities will be based on more detailed assessment of local use and demand, as detailed within the Council's most up to date Playing Pitch Strategy.

### Sports Clubs

4.3.48 Sports clubs and voluntary organisations play an important role in providing opportunities for local communities to participate in sports within the district.

New development can have an impact on the demand for such provision. Where sports clubs and voluntary / not for profit organisations provide public access to their facilities, contributions may be sought to help ensure that sports facilities can accommodate potential additional demand resulting from new development.

- 4.3.49 Contributions may be sought for improvements / expansion / new provision of either playing pitches or accompanying sports related ancillary facilities which help to encourage greater community use (for example improved changing facilities). Funding for sports clubs would only be considered where a community use agreement is in place, and where it can demonstrate that they either have a long-term lease (minimum 25 years as recommended by Sport England) or own the land. The level of contribution will be negotiated on a site-by-site basis and will be informed by the latest Sport England guidance. While there is no strict definition of ancillary facilities, it will need to be demonstrated to the satisfaction of the Council that the ancillary facility will support the existing sports use as well as encourage greater community use.

## **4.4 Infrastructure and Facilities**

### **Community Facilities**

- 4.4.1 Adequate provision of, and capacity in, community facilities is important in order to meet the additional demands arising from new development. New facilities (such as community halls) will be needed where there is a lack of provision and / or capacity as a result of new development.
- 4.4.2 Successful and sustainable communities should provide spaces which local communities can access for social, cultural and sporting activities. Community halls can offer a flexible multi-purpose venue for a diverse range of community groups.
- 4.4.3 The updated Blaby District Local Plan Core Strategy Policy CS15 – Open space, sport and recreation sets out a requirement for 1 village or community hall per 2,200 people. The Council's accessibility standard is 800m walking distance or 10-minute drive time for such facilities.
- 4.4.4 Financial contributions to increase the capacity / functionality of existing community halls may be sought where new development would result in capacity issues. Funding may be used to support refurbishments (but not maintenance), new facilities or extensions to existing facilities.



- 4.4.5 At the time of writing the Council does not have an up-to-date assessment of community halls. Financial contributions for such facilities may be sought in the future if it can be supported by future evidence and justification.
- 4.4.6 The following are not provided by Blaby District Council and so discussion will need to be had with the relevant provider in order to determine the required contributions.

### **Leicestershire County Council (LCC) Infrastructure**

#### **Civic Amenity and Waste Collection**

- 4.4.7 LCC, as the Waste Disposal Authority, has a statutory duty to offer facilities to local residents where they may deposit their household waste. These are known locally as Recycling and Household Waste Sites.
- 4.4.8 Contributions may be sought where new development would result in capacity issues at existing Recycling and Household Waste Sites. For more information applicants should refer to LCC's most up to date Planning Obligations Policy.

#### **Highways and Transportation**

- 4.4.9 LCC is the local highway authority and is responsible for the management and maintenance of the adopted highway network within the District. LCC also produces the Local Transport Plan, is responsible for traffic management and road safety and has responsibilities in relation to public transport and public rights of way.
- 4.4.10 LCC provide their own guidance<sup>11</sup> about the obligations which they may seek. Their Planning Obligations Policy states that to 'achieve sustainable development, the County Council will likely seek off-site public transport, cycling and walking measures in the general area within which the development lies'.
- 4.4.11 Where new development is proposed, the District Council will work with LCC to explore and maximise opportunities for enhanced walking and cycling within the District. Links to neighbouring authorities, particularly Leicester City, will also be explored.
- 4.4.12 All highways and transportation related contributions will be negotiated on a case-by-case basis. Applicants should therefore refer to LCC's most up to date planning obligations guidance for further information relating to wider transport infrastructure improvements and integrated transport measures.

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<sup>11</sup> [Leicestershire County Council Developer Contributions webpage](#)

### Education

- 4.4.13 Under the Education Act 2006, LCC has a statutory responsibility to ensure there are sufficient school and childcare places available for local children and young people living within the county of school age. It is important that these places are available within a reasonable travel distance for all those of school age occupying new residential development.
- 4.4.14 LCC is a provider of community schools, voluntary controlled schools and community special schools. As a result of legislative change there are now many academies in Leicestershire which to a large degree operate independently of the Local Authority. This change has resulted in LCC becoming more of a commissioner rather than a provider of new schools.
- 4.4.15 At the time of writing, LCC's Planning Obligations Policy (2019) document states that the County Council will seek contributions from housing developers to meet the cost of new school places arising as a consequence of new development. Applicants should therefore review LCC's most up to date policy position on planning obligations for the provision of education (which includes primary, secondary, pre-school and special needs education).

### Community safety and Primary Health Care

#### Community Safety

- 4.4.16 The East Midlands Ambulance Service NHS Trust (EMAS), Leicestershire Fire and Rescue Service and Leicestershire Police may request developer contributions from qualifying developments to meet the additional costs to deliver their respective emergency service provision.
- 4.4.17 When emergency service providers make a request for developer contributions, they will need to provide the District Council with sufficient justification that new development directly results in an increased need for infrastructure funding.

#### Primary Health Care

- 4.4.18 NHS Leicester, Leicestershire & Rutland Integrated Care Board (ICB) plan and manage healthcare services within the District. On large sites or where a deficit in existing provision is identified, the Council will work closely with the ICB to ensure that health care needs are adequately planned for.
- 4.4.19 Where financial contributions are requested for healthcare infrastructure, the ICB will need to provide the District Council with details of how the requested

money will be spent. This information should clearly illustrate how the request meets the CIL Regulations.

4.4.20 The level of financial contributions will be negotiated on a case-by-case basis. This will take into account the nature of the development and the projected increase in demand on healthcare services. The provision of any on-site primary healthcare facilities or financial contributions towards such facilities should also clearly set out the future management arrangements for the onsite provision to ensure that there is certainty over the ongoing delivery of the service. The NHS and its partners will need to work closely with the District Council in the formulation of appropriate mitigation measures. The process for engagement between the District Council and the ICB will be as follows:

- Assess the level and type of demand generated by the proposal.
- Work with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.
- Identify appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- Identify the appropriate form of developer contributions.

#### **Other contributions**

4.4.21 The list of infrastructure and facilities outlined within this section is not exhaustive. There may be instances where a development may result in a material increase in the need for other types of infrastructure. In such cases the District Council will negotiate with the developer on a case-by-case basis.

	Name	Comment	Change required (Note change)
1	Bob Wollard P&DG)	It is important that the document refers back to the CIL regulations set out at para 2.2. Notably, a number of infrastructure providers are funded, at least in part, via local and central government, via public taxation based on local population figures. As such, the SPD needs to be clear that developer contributions will reflect additional, or gap funding needs arising directly from the impacts of the proposed development and are not intended to provide general funding, or unrelated off-site infrastructure. The S106 regime cannot be used as a de facto CIL scheme.	Add to para 2.2 that “developer contributions will reflect additional, or gap funding needs arising directly from the impacts of the proposed development and are not intended to provide general funding, or unrelated off-site infrastructure.”
1	Bob Wollard P&DG)	Para 4.4.9 of the Draft SPD refers to LCC’s Planning Obligations Policy (July 2019). At the recent Charnwood Local Plan Examination, the County Council alluded to the possibility of a County Obligations SPD for transport and education and the emerging SPD must be mindful to ensure that these documents will align and not conflict with each other. To that end the consultation response of the County Council to the current consultation will be salient.	In para 4.4.9 add reference to LCC SPD. Link to LCC SPD in a footnote.
2	Glenfield Parish Council	No substantive comments made	No changes required.
3	Natural England	The topic of the SPD does not appear to relate to our interests to any significant extent. We therefore do not wish to comment	No changes required.
4	NHS Property Services	As drafted, sections 4.4.18 to 4.4.20 sets out the way in which the Council will work to ensure healthcare needs are being met through securing financial contributions for necessary healthcare infrastructure. NHSPS welcomes that health infrastructure has been identified where an expectation has been set for development proposals to make provision to meet the cost of healthcare infrastructure made necessary by the development. However, we suggest that the Council continue to work closely with the ICB to more clearly out the process and methodology that will be followed in determining the contributions required towards healthcare infrastructure provision.	No change required. Blaby District Council will continue to work closely with the ICB.

	Name	Comment	Change required (Note change)
4	NHS Property Services	NHSPS recognises that the SPD has provided a specific section in the document which sets out a process to determine the appropriate form of developer contributions to health infrastructure. However, as seen in sections 4.2 to 4.2.10 and 4.3.1 to 4.3.49, further detailed guidance on infrastructure requirements, calculations and thresholds has been provided for Affordable Housing and Open Space respectively. In remaining consistent with this and to place health on a level footing with other necessary infrastructure, NHSPS recommends that the Council work further with the ICB to ensure the assessment of existing healthcare infrastructure is robust, and that mitigation options secured align with NHS requirements.	Add "will work closely with the ICB" to para 4.4.18.
4	NHS Property Services	<p>The SPD should emphasise that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures. NHSPS recommends that the Council continue to engage with the relevant Integrated Care Board (ICB) to add further detail and clarity within the SPD regarding the process for determining the appropriate form of contribution towards the provision of healthcare infrastructure where this is justified. As a starting point, we suggest the following process:</p> <ul style="list-style-type: none"> <li>• Assess the level and type of demand generated by the proposal.</li> <li>• Work with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.</li> <li>• Identify appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.</li> <li>• Identify the appropriate form of developer contributions.</li> </ul>	Update para 4.4.20 to include the proposed process. Update para 4.4.20 to state that "the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures."

	Name	Comment	Change required (Note change)
		Healthcare providers should have flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development. Where new development creates a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose-built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/infrastructure/property, or a combination of these. It should be emphasised that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.	
5	CPRE Leicestershire (John Marriott)	1.3 refers to the County Council's up to date Planning Obligations Policy but it does not provide a link to any document so it is not clear what this refers to. The County Council's formal Planning Obligations Policy document appears to be the one produced in July 2019. <a href="https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf">https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf</a>	The lack of a link is because LCCs planning obligation policy is being updated. a link to the final updated document will be incorporated into the final document as a footnote is appropriate.
5	CPRE Leicestershire (John Marriott)	The County Council has responsibility for education and highways. These are typically the areas seeking the largest contributions and their consideration rightly deserves to be a major factor during the preparation of a Local Plan and the determination of appropriate Planning Obligations at the application stage	Comment noted, no change required.
5	CPRE Leicestershire (John Marriott)	NPPF states that transport needs to be considered at the earliest stages of Plan development and it places considerable emphasis on seeking to ensure sustainable travel by locating development in places that can achieve a genuine choice of travel. One consequence of this is that a significant proportion of new development has been allocated to locations with few facilities and where it is likely that many would be highly dependent on the use of cars and generate significant traffic.	No change required. A new local plan will consider new allocations. The SPD is not a policy document and cannot change the detail of the Policy approach outline in the Local Plan. However, the comments are noted and significant transport evidence including the preparation of an active travel strategy and



	Name	Comment	Change required (Note change)
		<p>Where transport funding has been sought from developments it has usually been directed at a few measures to marginally increase local highway capacity. Despite the predictions of a very significant increase in vehicle delay there is no sign of any change in policy leading to a consideration of the obvious need to actually reduce traffic. Developments have been primarily designed around car use and parking. Most fail to prioritise safe and convenient walking or cycling within a site or include any off-site links. The scope for attractive bus services to new sites in Blaby is limited but where opportunities exist little regard seems to have been given to maximising their use and viability.</p> <p>When the Charnwood Local Plan Examination started in 2022 the County Council recognised that numerous problems were emerging with regard to securing appropriate and timely developer contributions. There was a growing awareness that projects had been undervalued and an a recognition that inflation was going to significantly increase the cost of projects. During 2023 the County Council proposed and adopted an Interim Transport Contributions Strategy as it was concerned that it was missing the opportunity to obtain sufficient funding for highway projects relating to new developments. It continues to believe that projects that increase highway capacity are desirable despite the clear evidence that it is not a solution.</p>	LCWIP will inform new allocations and the emerging local plan.
5	CPRE Leicestershire (John Marriott)	1.5 gives a misleading impression that if a need has been identified for services, mitigation or infrastructure that planning obligations are one mechanism for ensuring that they can be achieved. This unfortunately is not the case.	Add that "other mechanisms include government grant infrastructure e.g. bridge at Lubbesthorpe. "
5	CPRE Leicestershire (John Marriott)	1.6 notes that they can assist, which supports the view that there is no guarantee.	Noted, but effects cannot always be fully mitigated.
5	CPRE Leicestershire (John Marriott)	1.9 Many developments do not make any contribution to facilities and historically funding has fallen far short in terms of delivering what many people would consider to be adequate	Amend para 1.9 to include:- 'The Council has previously explored adopting CIL but at the time of writing....'

	Name	Comment	Change required (Note change)
		facilities. It seems unlikely that sufficient and fair funding could be achieved without an adopted CIL charging schedule to ensure appropriate contributions can be sought from all relevant developments. The draft SPD consultation does not say why the Council has not adopted a CIL charging schedule or provide any information to show why it is not being considered.	And 'in line with the currently adopted Core Strategy Feb 2013.'
5	CPRE Leicestershire (John Marriott)	<p>Planning policy is spread across numerous authorities. It often is written in complex and ambiguous language and in a way that gives rise to conflicts and a need for trade-offs. Such trade-offs may determine priorities when seeking funding.</p> <p>National policy (NPPF) states that where up-to-date policies have set out expected contributions then planning applications which comply with them should be assumed to be viable. This is a sweeping assumption that is not borne out in practice and it has significant implications. Section 3 describes the "Approach to securing planning obligations". This in turn refers to Appendix D of the Blaby District Local Plan Core Strategy. The Core Strategy was approved in February 2013. The Infrastructure Schedule listed in Appendix D includes various items which it can now be seen have been superseded by events or have shown a wide variation in terms of cost, anticipated delivery date or funding source. What emerges is the difficulty of estimating the scale, cost and delivery of many essential services and ensuring that they can be delivered at the appropriate time. Historically, no provision has been made for cost increases.</p>	Comments noted. No change required as set out under 3.14 Indexation of SPD and new IDP to be adopted for new Local Plan.
5	CPRE Leicestershire (John Marriott)	<p>Question 3. Do you agree with our proposed approach to addressing the subdivision of sites?</p> <p>It fails to recognise that the sub-division of sites could lead to a significant difference in delivery time for different sections. This is one reason why subdivision could create significant</p>	Noted.

	Name	Comment	Change required (Note change)
		difficulties with regard to the timing and delivery of facilities and infrastructure.	
5	CPRE Leicestershire (John Marriott)	Question 4. Do you have any comments regarding the proposed approach to addressing viability? 3.8 suggests that one of the key objectives of the SPD is to indicate the likely level of planning obligations that can be expected in advance of any planning application being submitted. While this would be highly desirable it seems unlikely in practice and as set out above previous attempts have not been successful either in terms of identifying what is necessary or ensuring that it can be delivered in a timely fashion, or at all. Viability challenges may occur at any time and further threaten the deliverability of facilities and infrastructure. Such challenges can often arise at a late stage with claims that previous promises can not be delivered.	Noted.
5	CPRE Leicestershire (John Marriott)	Question 5. Do you have any comments regarding our approach to phasing and to holding contributions? Further thought needs to be given to how this would work in practice.	Noted.
5	CPRE Leicestershire (John Marriott)	Question 6. Do you have any comments regarding the proposed fees for legal agreements It is becoming evident that legal agreements are not sufficiently robust to ensure that facilities and infrastructure are delivered at the appropriate time or that there is adequate funding. It may be that previous proposals need to be changed. This needs to be taken into account when setting the fee level.	Amendment to Fees paragraph 3.15. Include '....and Deed of Variations' as Deed of Variations can be sought and agreed when a change in obligation may be required. Legal Fees also apply to Deed of Variations.
5	CPRE Leicestershire (John Marriott)	Question 7. Do you have any comments regarding the proposed approach to monitoring fees and the fee level proposed? Monitoring fees should be sufficient to ensure that monitoring is effective and is seen to be effective. It is far from clear as to what targets are being monitored and whether any monitoring is effective.	Comment noted. No Change Required  Monitoring fees maybe a flat fee and/or proportionate to the level of financial contributions secured in a legal agreement. Monitoring is carried out to ensure all obligations secured in a Legal Agreement are delivered in accordance with the related legal

	Name	Comment	Change required (Note change)
		<p>The Blaby AMR covers a very limited range of indicators, and none refer to the impact of traffic or the effectiveness of any measures to reduce that impact. It is noted that the County Council often seeks fee for monitoring Travel Plans. Indicators are often mentioned in Traffic Impact Assessments but these are often weak or not capable of being measured effectively. With regard to the Lubbesthorpe development Condition 49 stated that</p> <p>“No more than 350 dwellings shall be occupied before a scheme for the regular monitoring of the impact of traffic arising from the development, in accordance with the terms of the Agreement under Section 106 of the Town and Country Planning Act 1990 which forms part of this permission, has been submitted to and approved in writing by the District Planning Authority.” Table 3 in the AMR shows that the 350 dwellings threshold was reached during 2019/20. There is no visibility of any official reports to confirm what monitoring has been carried out or whether it has been verified. While some statements have been published in the press regarding an increase in bus use these seem to lack credibility because they appear to be very excessive in relationship to census data. It is not constructive to make extravagant claims about reducing car use when the Lubbesthorpe traffic modelling showed a 25% increase in vehicle travel (2008 to 2031) and a 110% increase in vehicle delay.</p>	<p>agreement. The District Council's Infrastructure Funding Statements ensure a transparent and accountable system by providing information on secured, received and spent financial contributions, these are published on the Council's website annually.</p> <p>As service providers of highways, travel etc Leicestershire County Council are parties to the agreement, so any query relating to their secured obligations and monitoring should be directed to them as Blaby District Council are not the monitoring authority for these and as such do not hold information relating to their obligations.</p>
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	<p>General Observations</p> <p>It is noted that a lot of larger strategic items for which contributions might be sought (ie Education, Transportation, Social Care) are addressed as County matters in the Leicestershire County Council's 'Planning Obligations Policy'. It is important that in assessing the viability considerations of the Blaby SPD, full regard is had to the implications of both sets of Obligation policies together, to understand the implications of</p>	<p>A new paragraph has been added to highlight that this SPD does not change policy requirements and these remain unaltered.</p> <p>Reference to LCC Infrastructure requirements, footnote if necessary.</p>

	Name	Comment	Change required (Note change)
		policy on development viability. It is not clear that any form of assessment has been undertaken to understand the 'affordability' of the contributions sought, upon different types of development within the Borough, when combined with the additional requests for larger strategic contributions toward Education, Highways etc.	
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	3.13 – The acknowledgement that there needs to be provision for 'claw back' of unspent contributions is welcomed and supported.	Comment noted. No change required.
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	<p>3.21 – The monitoring fee at 5% of financial contributions, has the potential to be very significant, and this is objected to. Post publication, officers have helpfully clarified that there is text missing from this paragraph, which should read; 'for developments over 500 dwellings, a negotiated monitoring cost fee may be more appropriate to reflect the costs and time associated with the monitoring.' This clarification is welcomed and supported.</p> <p>For sites such as those promoted by the consortium, developer contributions toward infrastructure costs are likely to be very significant, and any monitoring fee should only be required to fairly reflect the costs necessary to monitor spending/delivery, in compliance with CIL Reg 122. In all cases, the policy should provide for there to be an 'election' by the applicant as to whether the applicant is content to settle with the 5% figure, or</p>	<p>Add the missing text "dwellings, a negotiated monitoring cost fee may be more appropriate to reflect the costs and time associated with the monitoring".</p> <p>Noted. But it is unlikely that very large sites will be submitted to be influenced by this guidance as its expected to be superseded by the requirements in the merging plan. Nonetheless additional text has been added at para 3.23 to address comments.</p>

	Name	Comment	Change required (Note change)
		seek to negotiate a bespoke figure, directly and fairly related to the costs involved of monitoring any specific obligation.	
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.2.2 and 4.2.3 – this sets out the Council's preferred mix for Affordable Housing from the Affordable Housing 2013 SPD. It goes on to note the Government's policy on First Homes. The two approaches are not compatible with each other, but the SPD does not explain how it will look to secure a preferred mix. This requires clarity, and further amendment. The consortium reserves the right to comment further, when clarity has been provided regarding how the council will approach the Affordable Housing 2013 SPD, regarding its compatibility with First Homes policy.	The lack of conformity of the Council's existing SPD with First Homes requirement is noted in the SPD. The Council will consider the need to update the Housing SPD having regard the current LURA provisions and the time limited nature of any new SPD document now adopted.
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.2.4 – This suggests that maximum cluster size for Affordable Housing should be no more than 6 homes. This would be a low figure. Registered Providers typically welcome the ability for larger clusters to be provided, to assist in both estate and cost management. There is no evidence provided as to whether this figure is supported by local Registered Providers. It might more helpfully be framed as an 'average' figure, to allow some flexibility across larger sites.	This figure is in line with what the Council currently seeks and is implemented with some flexibility. It will be considered in any potential future update to the Housing SPD as described above.
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.3.1 – The Table should sit below, not above this paragraph.	Move table showing Policy CS15 to below para 4.3.1. .
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire	The Table indicates that there should be 1 Village/Community Hall per 2,200 people – which would potentially give rise to a need for 5.5 Village Halls for the consortium's site at Stoney Stanton. This would appear to be excessive at a strategic level. It is also unclear the evidential basis upon which the demand ratio is based. At the very least the policy should acknowledge	The "table" is existing adopted Policy CS15. Proposed future strategic allocations would be covered by policies in the new Local Plan.



	Name	Comment	Change required (Note change)
	County Council	that larger strategic sites (say in excess of 500 homes) would need to address this matter on a bespoke basis, having regard to the NPPF's imperative for community cohesion, and following sound urban design principles.	
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	Section 4.4 of the SPD appears to acknowledge that there is no evidence base with regard to community Halls, but there also appears to be text missing at 4.4.6 which makes a full understanding of this part of the SPD problematic. The Blaby District Council Open Space Audit - December 2015 confirms that the whole District is within 10 minutes accessibility of a Village/Community Hall, and whilst some Halls (such as that at Stoney Stanton) are noted for requiring qualitative improvement, it is unclear on what basis the quantitative increase in provision, is promoted.	Noted.
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.3.8 – It is noted that the Council prefer the use of ManCo's for POS – but would countenance adoption on larger sites, subject to a maintenance payment. This flexibility is welcomed.	Noted.
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.3.25 – Tables 10 and 11 relate respectively to Appendices A and B of the SPD. Whilst the principle of using Spons or similar to calculate the contributions for off-site open space is accepted, it is not clear how the figures from the calculations in Appendices A and B then relate to the figures in Tables 10 and 11. There is also a query with regard to how the maintenance costs in Table 10 are calculated. Greater clarity on the evidential basis is required for these elements.	The Council has amended the approach to identify a negotiated approach based on local need. This reflects the fact that offsite provision is only delivered exceptionally, and it would be more appropriate for a bespoke approach reflecting the provision proposed on relevant sites, the typology of space and most up to date costs at the time of the application. Note it is not expected this guidance will apply to sites post adoption of the new local plan given the Governments proposals to scrap SPD as set out in the LURA.

	Name	Comment	Change required (Note change)
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.3.43 – The Cemetery requirement and accessibility provision here is unclear. It requires space and accessibility to cemeteries – but then clarifies that this is not for burial, but for use as POS. Whilst the policy flows from updated Core Strategy Policy CS 15, the evidence base behind that (Blaby District Council Open Space Audit - December 2015) confirms that it is simply seeking to maintain the current ratio of provision of population to provision. However, it further acknowledges that there is ‘limited evidence of any unmet demand for cemeteries and churchyards in the district at present’. If there is no current shortfall evidenced, it is unclear why it is then deemed appropriate to set a standard ‘equivalent to current levels of provision’, as that would result in maintaining an oversupply of cemetery land, and that would not be a CIL Reg 122 compliant request.	This standard is based on the adopted policy and forms part of the Council’s general open space requirements which remains the basis for decision making. No change required.
6	Pegasus obo Barwood Land, Parker Strategic Land and Leicestershire County Council	4.3.46 – It is noted that sports pitch provision requirements are to be deferred for review through the Council’s Playing Pitch Strategy. It will be important for the Playing Pitch Strategy to also be subject to consultation, if it is to be relied upon for supporting future requests for infrastructure provision	Noted
7	Pegasus obo Hallam Land Management	We do not wish to comment on any part of the introduction	Noted
7	Pegasus obo Hallam Land Management	Of note, we are aware that the District Council are currently updating their Development Plan with Regulation 19 consultation on the emerging Local Plan occurring later this year and the submission of the Local Plan to the Secretary of State before June 2025 and adoption expected in 2026. It should be noted that any guidance outlined within this SPD will need to be updated (and consulted on again) to ensure it	An additional paragraph is added at 1.5 to make clear that the SPD will be superseded by the adoption of a new local plan and the primary legislation makes no provision for the preparation of SPDs. These will be replaced by Supplementary Plans but these will not be an appropriate mechanism for capturing planning obligations except over specific sites.

	Name	Comment	Change required (Note change)
		relates to the relevant policy in the new Local Plan and to ensure weight can be attached to the guidance in the SPD.	
7	Pegasus obo Hallam Land Management	Paragraphs 3.17 to 3.21 inclusive sets out the approach to monitoring and enforcement of S106 Agreements. Paragraph 3.21 outlines that “the District Council 5% of the value of each type of financial contribution, or £360 (see website for updates) per non-financial contribution, whichever is greater, payable to the District Council.” The suggested monitoring costs include an increase from 2% and £250 (flat rate) as outlined in the existing Planning and Obligations SPD (2010). No understanding of the actual costs of monitoring are contained in the consultation document and therefore it is not known whether the suggested monitoring fees are proportionate. Notwithstanding this, the request for 5% of the value of each type of financial contribution could become disproportionate. In this respect, further justification is required to ensure the monitoring fee is proportionate and a cap should be considered to ensure any fees are not excessive, in accordance with the NPPG.	<p>Comment Noted. No change required as paragraph 3.20 justifies 5% monitoring Fee.</p> <p>The proposed 5% fee is a proportion of secured financial contributions and therefore proportionate. Current CIL regulations allow a CIL charging authority to apply 5% of receipts to administrative expenses, this figure reflects regulations.</p> <p>Para 3.21 was incomplete and suggests a monitoring fee will be negotiated for large scale developments. This could be a mechanism to ensure fees are not excessive.</p>
7	Pegasus obo Hallam Land Management	Also to note, paragraph 3.21 contains an unfinished sentence that may provide further detail on the approach to monitoring fees for proposals over 500 dwellings. This should be clarified to ensure that the monitoring fee applicable to proposals over 500 dwellings is made publicly available through this SPD.	Add the missing text “dwellings, a negotiated monitoring cost fee may be more appropriate to reflect the costs and time associated with the monitoring”.

	Name	Comment	Change required (Note change)
7	Pegasus obo Hallam Land Management	First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Paragraph 4.2.3 of the SPD recognises this, however, provides no guidance on the Council's position on First Homes and how this will be secured via S106 planning obligations. This lack of guidance on First Homes will provide uncertainty and may hold up negotiations therefore delaying decisions. It is therefore considered that the Council needs to provide more guidance and evidence in respect to First Homes in Blaby District, particularly if the authority is seeking to apply its own eligibility criteria.	The lack of conformity of the Council's existing SPD with First Homes requirement is noted in the SPD. The Council will consider the need to update the Housing SPD having regard to the current LURA provisions and the time limited nature of any new SPD document now adopted.
7	Pegasus obo Hallam Land Management	The open space, accessibility and children and young people requirements outlined in Tables 1 – 9 are generally accepted. However, concern is raised with the off-site open space contributions per square metre outlined in Table 10 and detailed in Appendix A, particularly with respect to the costings relating to Parks and Recreation Grounds and Informal Open Space. The comments below should be considered in the context of the Government's guidance on viability particularly in respect of the need to improve transparency of data to ensure there is more accountability regarding how viability informs decision making (Paragraph: 010 Reference ID: 10-010-20180724). Although it is noted that the Spon's Architects' and Builders' Price Book 2023 has been used for the calculations, costs and commuted sums should be based on evidence which is reflective of local market conditions and therefore further evidence may be required to justify the costs.	The document has been amended to set out a more bespoke negotiated approach to establishing off site contributions given the rarity at which off site provision is sought. This will allow offsite contributions, where sought to reflect local needs and circumstance.
7	Pegasus obo Hallam Land Management	Park and Recreation Grounds. The cost associated with the amenity shrub planting seems particularly high with usual costs normally around £30/m <sup>2</sup> rather than suggested £102/m <sup>2</sup> . Informal Open Space. Paragraph 4.3.18 of the SPD provides a definition of informal open space, which infers that there is less clutter so that they are easily maintained. Notwithstanding this,	See above

	Name	Comment	Change required (Note change)
		there is a significant amount of costs contributing to design fees and the boundary treatments (walls and fencing railings) although there is no detailed breakdown of these elements relating to length or type/material or cost per m <sup>2</sup> .	
7	Pegasus obo Hallam Land Management	It is also assumed that the calculations are based on an example area of 20,000m <sup>2</sup> and not 2,000m <sup>2</sup> as outlined	See Above
7	Pegasus obo Hallam Land Management	Section 4.3.38 of the SPD sets out the key aspects of BNG under new statutory legislation. In this section, there is also reference to limitations on land utilised as part of BNG to also function and contribute toward open space requirements. In particular, it states <i>"In general, land that is to be used for open space should not be the same land that is set aside for BNG."</i> We disagree with this statement. Open space and BNG can work in tandem and all of the most common green infrastructure features are captured within the metric and can contribute towards a BNG outcome. It is acknowledged that the suitability of the proposed type and location of the BNG enhancement will need to be considered in line with Paragraph: 021 (Reference ID: 74-021-20240214) of the NPPG. However, in the most part, BNG will also create more attractive natural and semi natural open spaces and also amenity spaces around recreational area will contribute to BNG, which will not conflict with the delivery of the open space typology. The Council should therefore remove this statement or it will cause significant viability issues with bringing forward residential developments.	The document has been amended to reflect the comments received and it is clarified that open space can also go towards meeting BNG requirements.
7	Pegasus obo Hallam Land Management	Section 4.3.39 of the SPD sets out a proposed approach to BNG that is predominantly aligned with the BNG Hierarchy as referenced in the NPPG and set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. However, the DMPO does not set out a requirement for creation of habitats 'immediately adjoining the site or nearby' as suggested in the SPD. Rather,	This SPD does not set out Council policy and the NPPG will remain the guidance used for determining applications in the absence of local policies which will be brought forward in the new local plan.

	Name	Comment	Change required (Note change)
		the hierarchy sets out that if habitat cannot be enhanced nor created onsite, that the next step of the hierarchy should be to consider 'the availability of registered offsite biodiversity gain for allocation to the development'. This does not stipulate that biodiversity gain offsite should be immediately adjoining, and therefore the phrasing of the SPD is not in compliance with Article 37A. To avoid the creation of a prescriptive approach to the Hierarchy within the SPD, the phrasing of Section 4.3.39 should be amended to be in accordance with the DMPO	But the Council can express its preferences regarding delivery of sites so the communities affected by development can be those that benefit from the biodiversity gains. Obviously, these preferences are only advisory and may be pursued by some developers in some instances on a voluntary basis.
7	Pegasus obo Hallam Land Management	The NPPG further reiterates that a degree of flexibility can be afforded to the Hierarchy - stating that the BNG Plan submitted must set out a description of how the BNG Hierarchy is followed, and provide reasons if this is <i>not</i> followed, provided the site in reference does not contain Irreplaceable Habitats (Paragraph: 058 Reference ID: 74-058-20240214). This is echoed in Paragraph: 035 Reference ID: 74-035-20240214. This again notes that the Hierarchy should not be treated as a fixed process to apply to BNG, and can be treated with some flexibility as required. This could be particularly helpful if there is a more strategic benefit to contribute to off-site habitat, which would form part of Leicestershire's Local Nature Recovery Strategy (LNRS).	This is noted. It is considered that the wording of the SPD, which is not policy is flexible and will not affect how the Council applies BNG is practice which will be guided by the NPPG.
7	Pegasus obo Hallam Land Management	Part 6 Section 102 (5) (2A) of the Environment Act (2021) sets out that "...the authority must in particular have regard to (a) any relevant local nature recovery strategy, and (b) any relevant species conservation strategy...". Whilst Leicestershire County Council is currently progressing with the LNRS, the District Council should consider opportunities to reference the role of LNRS as a component of the wider biodiversity policy - this may provide additional opportunity for off-site BNG that positively contributes to the objectives of the LNRS.	The SPD is not a policy document but rather guidance. References to the LNRS and the Council's approach to BNG in relation to the LNRS will be outlined in the merging Local Plan which is due for adoption in early 2026.



	Name	Comment	Change required (Note change)
7	Pegasus obo Hallam Land Management	Paragraph 006 Reference ID: 74-006-20240214 and Paragraph: 019 Reference ID: 74-019-20240214 of the NPPG note the importance of considering local off-site biodiversity that could support the LNRS. Reference to this approach through the proposed sequential approach of national policy, whilst providing wider options for offsite BNG contributions if required.	As above. The NPPG will remain the primary guidance for determining BNG aspects of new developments.
8	Countesthorpe Parish Council	With reference to item 3.5 – Sub-division of sites, the Parish Council would support the District Council's policy on not accepting sites being developed incrementally or sub-divided to avoid contributions, however, the Parish Council would ask for further clarification on how the District Council would enforce this and what its response would be. The District Council will be aware of a current application for land off Gillam Butts, Countesthorpe, which does not fully use the land available to the developer, which the Parish Council is concerned could be seen to be such as case of avoiding planning obligations. The Parish Council would therefore expect from this new policy that the District Council should be aware of the total land that the developer could potentially develop and therefore base any requirement for planning obligations based on the full site.	Add text "Blaby District Council will take a pragmatic approach towards the phasing and delivery of facilities, services and contributions to take account of site constraints, and encourage early engagement and collaboration between parties. Where a housing site is developed in phases or through multiple applications, and where the sport, recreation or open space provision is required on-site within the allocation, this provision is required to be master planned, co-ordinated and delivered, on an allocation-wide basis, by the promoters, landowners and/or developers working together. In these circumstances, a single site for sport and recreation facilities such as playing pitches, or a strategic open space, the provision of which is to serve all of the allocation, may be required. The proposals for open space provision on-site or off-site should similarly be coordinated and delivered on an allocation-wide basis by the landowners/developers working together to ensure that the provision fits within the overall policies of the current adopted Blaby District Local Plan.

	Name	Comment	Change required (Note change)
			If the required on-site provision is not delivered in the first/early phases of a housing site allocation, then these first/early phases planning permission will only be granted if the land required for sport, recreation or open space has been legally secured to ensure delivery of the required future provision."
8	Countesthorpe Parish Council	The Parish Council notes item 2.3 of the Policy in relation to pooling of planning obligations that the District Council is no longer restricted to how many obligations it can pool towards a single piece of infrastructure. In line with the previous comment with regard to item 3.5 the Parish Council would ask that the District Council ensure that where there are multiple applications for development that the planning obligations be secured for meaningful infrastructure work. Therefore, the Parish Council would support 2.3 of the Policy.	Noted.
8	Countesthorpe Parish Council	Under item 3.2 the list of cases for which planning obligations can be sought by the District Council. This includes Affordable Housing. It is noted that 25% of each development of more than 15 dwellings should be affordable housing unless the developer can demonstrate that this would make the application unviable. The Parish Council would query what the District Council's criteria would be for accepting what unviable is. Again, there is a risk that a developer can submit applications in a piecemeal manner to avoid the thresholds, and would be contradictory to item 3.5.	See para 3.5 on subdivision and para 3.8 on viability.
8	Countesthorpe Parish Council	With regard to item 3.6 the Parish Council would acknowledge that it is beneficial for pre-application discussions to take place prior to a planning application for larger scale development to take place. Whilst the Parish Council supports this, as it would give indication at an early stage that the concerns raised previously, are being responded to by the District Council, however the Parish Council would wish to see a more	We have a consultation process and Statement of Community Involvement (SCI). Parish Councils are welcome to comment on planning applications, but the District Council are led by the statutory consultees.

	Name	Comment	Change required (Note change)
		committed agreement prior to an application being submitted whether the application is outline or full. Preferably, the Parish Council would support that parish councils are consulted at an early stage on its views for the need for planning obligations in its area, for example if the parish council has more local knowledge that a proposed development will have an adverse impact on the local road network, that priority be given to that when negotiating with the developer. The Parish Council would also consider that parish councils should be consulted if a potential application is not within its boundary but could still have an adverse impact on infrastructure and services.	
8	Countesthorpe Parish Council	The Parish Council notes that tables indicating the level of obligations to be sought depending on size of a dwelling. When responding to the government's consultation on the proposed Infrastructure Levy, the Parish Council considered that a dwelling can make the same level of impact regardless of size of the dwelling and its view therefore would be that planning obligations be sought for the development site as a whole, which would also prevent a developer making significant changes to the types of dwellings throughout the building stage.	Comments noted. No change required as statistics show different sized dwellings, could potentially impact different infrastructure due to demand.
8	Countesthorpe Parish Council	Whilst the Parish Council supports the proposed requirement of open spaces and community facilities as referred to in item 4.3.1, it would have concerns that, as land develops, how realistic this would be in achieving. An example being, that for example the proposal for a community facility to be provided per proposed 2200 people or 800 metres travel time. The current proposed applications affecting Countesthorpe, should they all be approved, would result in this trigger, but the Parish Council sees no evidence on how the District Council can agree with individual developers who would contribute the land to such facilities such as sports and recreation or community facility. The Parish Council is disappointed to note that under item 4.4.5, the District Council has not carried out an	This SPD will apply only to existing consented schemes not proposed, future strategic schemes. This SPD is not a planning policy document.

	Name	Comment	Change required (Note change)
		assessment of community halls, and considers that this should be carried out as part of the strategic planning process. The Parish Council particularly highlights that the provision of potential local shop facilities are not included in the list referred to in 4.3.1 to prevent the need to travel to facilities as settlements grow in size.	
8	Countesthorpe Parish Council	with regard to item 4.3.4, the Parish Council would query the District Council's process for agreeing off-site open space and recreation, where on-site provision is deemed not feasible. Whilst the Parish Council notes that the District Council has attempted to respond to this in item 4.3.7, the Parish Council would reiterate its view that all planning obligations are agreed prior to an application being approved.	Comment noted. No change required.  Where there is a full application the level of obligations and infrastructure provision are secured via a legal agreement, approved plans or planning condition as on/off site provision and detail is known at this time. Where there is an outline application and full detail is to be provided at Reserved Matters, the legal agreement will be agreed to ensure required obligations are secured, as quantity and on/off site provision is determined as part of the Reserved Matters application. The Council is therefore not always able to agree the level of all planning obligations prior to an application being approved, and will secure obligations based on detail being provided by the developer at a later date
8	Countesthorpe Parish Council	With regard to item 4.3.8, the Parish Council would wish to see that agreement on who would be responsible for the future ownership or management of an open space to be agreed prior to the application being submitted/approved.	If there's a mechanism for delivery of open space, then there will be responsibility assigned through that process.
8	Countesthorpe Parish Council	With regard to item 4.3.36 – Sustainable Drainage Systems, the Parish Council would argue that the developer should provide appropriate drainage, not only to eliminate the flood risk on-site, but also to give consideration to any risk to off-site locations that may be adversely affected by the development. An example being as to whether the Leysland development in	The National Planning Policy Framework (NPPF) has a section on planning and flood risk and Blaby District Council will be following the national policy.

	Name	Comment	Change required (Note change)
		Countesthorpe has adequately prevented any surface water flood risk to the remaining surrounding open spaces which are also subject to potential development.	
8	Countesthorpe Parish Council	With regard to item 4.3.38 – Biodiversity Net Gain, the Parish Council would expect to see any potential design and usage of open space to be agreed as part of discussions prior to the planning application stage	Although the PCs comments are noted and it could be useful to identify the design and usage of sites at the pre-app stage the application process provides an opportunity for various stakeholders and other interested bodies to feed into and have a say on these issues.
8	Countesthorpe Parish Council	The Parish Council would support the proposals in item 4.3.49 that contributions may be sought to provide improvements and expansion to playing pitches or sports related ancillary facilities.	Noted.
8	Countesthorpe Parish Council	With regard to item 4.4.13, the Parish Council acknowledges that it is the County Council's responsibility to ensure that adequate educational facilities have been provided, however, it would ask that the District Council liaise closely with the County Council to ensure that the County Council has a full understanding of the full picture in terms of further potential applications that may be imminent in the future.	Noted.
8	Countesthorpe Parish Council	Under item 4.4.19, the Parish Council would support the District Council's requirement that the Integrated Care Board clearly set out how it would intend to spend any planning obligations, however, it is disappointed that this system is not already in place, in light of the impact of the current applications affecting Countesthorpe. The Parish Council would wish to seek clarification as to when this Policy would start to be implemented and whether it would be applicable to applications that have already been submitted but yet to be decided, in particular Outline applications, or whether it will only be applicable to new applications.	Comment noted. No change required  Consultation responses submitted to the District Council from Health are uploaded to the Council's website and available for the public to view. S106 Legal Agreements are also available to view on the Council's website and include detail of how secured funds are to be spent.
8	Countesthorpe Parish Council	In summary, the Parish Council would support the proposals of the draft policy, however, it has concerns that there are issues within it that would be difficult to implement or enforce. The	It isn't policy.

	Name	Comment	Change required (Note change)
		Parish Council does feel that the new policy has some potential to offer more flexibility for the use of developer contributions as it is the Parish Council's view that contributions should be open to a wider demographic of beneficiaries.	
9	Nineteen47 obo of Davidsons	It is encouraging that the Council recognises that viability is a key issue. Paragraph 58 of the NPPF states that all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available. It is important that the SPD is consistent with the approach to viability in national planning guidance and is flexible enough to reflect future changes to that guidance. Viability should be addressed via an open book appraisal and any findings of an independent assessor should be made fully available to the Applicant during the course of these discussions. The SPD should also identify circumstances other than viability where planning obligations may be revised (e.g. a change in the market conditions may mean that a Registered Provider is unable to take on a requirement for social rented dwellings). The SPD should recognise that a change in the affordable housing tenure can help achieve viability for a development (for example, by providing first homes or discounted market sale housing instead of social or affordable rent) and the SPD should be flexible enough to accommodate differing tenure types if required. The SPD should acknowledge that the Council will work proactively with developers to ensure that changes in market conditions will not result in development stalling. This would be particularly useful in ensuring the Council meets the NPPF requirement of boosting its housing supply.	<p>Additional paragraph under Viability</p> <p>'Section 106A of the Town and Country Planning Act allows planning obligations to be modified or discharged in certain circumstances where the developer and planning authority wish to do so. Therefore, any requests will be considered and dealt with proactively on a case by case basis by the District Council, to avoid any unnecessary delays in the starting of development.'</p> <p>Paragraph 3.8 addresses open book financial appraisals.</p> <p>The District Council's adopted Housing Mix and Affordable Housing SPD provides further detail on Affordable Housing.</p> <p>National Policy allows for planning obligations to be renegotiated where there is no agreement and the planning obligation predates April 2010 or is over 5 years old, an application can be made to the Council to change the obligation where it 'no longer serves a useful purpose' or would continue to serve a useful purpose in a modified way.</p>



	Name	Comment	Change required (Note change)
9	Nineteen47 obo of Davidsons	The tenure of affordable housing on qualifying sites is set by the Affordable Housing Supplementary Planning Document which was adopted in 2013. At that time, the NPPF 2012 included only 'Social Rented Housing', 'Affordable Rented Housing' and 'Intermediate Housing' within the definition of affordable housing. The tenure split in the SPD reflects this as it only refers to these types of affordable homes. The SPD should however recognise that since the adoption of the Affordable Housing SPD in 2013, the NPPF has introduced updated definitions of affordable housing which includes 'discounted market sales housing' and 'first homes'. These are forms of affordable housing which play a critical role in the delivery of new housing and which assist first time buyers or those with less capital income to get onto the housing market. The SPD should therefore be updated to accord with National Planning Policy in terms of the definitions of affordable housing and to provide greater flexibility to the different tenure types of affordable housing that could be delivered by development. The SPD makes reference to the updates in the PPG which states that First Homes should comprise 25% of affordable housing. However, the tenure split of affordable housing within the SPD does not reflect the First Homes requirement in the PPG and it should be updated to accord with national guidance in this respect.	An additional sentence has been added to para 4.2.3 committing to update the Housing SPD if appropriate. In the interim the SPD flags the current position and advocates early engagement with the Council's Strategic Housing Team.
9	Davidsons	Please enter your comments with respect to the approach to identifying open space requirements. The SPD has been updated so that developments of 200+ dwellings are required to provide Allotments and Community Gardens on site. It is important that this requirement, plus other requirements in Table 1, are caveated. The SPD should recognise that it may not always be possible or appropriate to provide such facilities on site. For example, the land / soil composition may not be suitable for the provision of allotments, or the location of the allotments may not be the most appropriate to serve the wider	Additional wording has been added para (4.3.5) to reflect this point.

	Name	Comment	Change required (Note change)
		community, particularly in those communities where there is an existing shortfall of such facilities	
9	Davidsons	The SPD updates the off-site Open Space contributions substantially. The percentage increase for each Open Space Type (per sq.m) is as follows: Parks & Recreation Grounds - 414%; Natural Green Space - 492%; Informal Open Space - 132%; Provision for Children & Young People - 249%; Allotments & Community Gardens - 102%. Whilst it is appreciated that the original SPD is based on costings from 2010, the proposed increase in costs is not provided incrementally and there will be a sharp and significant increase when the emerging SPD is adopted. This could have significant implications for the viability and deliverability of a number of residential sites across the District, particularly ones which are already in the pipeline, such as existing Local Plan allocations, or sites which have been submitted to the Council for consideration in the emerging Local Plan. It is noted that the costings have been calculated using the Spon's Architects' and Builders' Price Book 2023. All costings in the SPD should be fully justified and evidenced to ensure an open book approach which will allow developers to accurately calculate any potential costings themselves prior to the submission of the formal planning application.	The document has been amended to set out a more bespoke negotiated approach to establishing off site contributions given the rarity at which off-site provision is sought. This will allow offsite contributions, where sought to reflect local needs and circumstance.
10	Michael Jacques	No specific comments made	Noted
11	Dominic Steel	Do you have any comments on section 1 of the Supplementary Planning Document (SPD)? No housing development should be actioned or approved until Schooling, Doctors and food shopping is improved. If any housing is approved then ample drainage and ponds etc should be in place as the village has suffered from flooding in recent years and is getting worse!	Noted but there are cases when the existing infrastructure is adequate to support the proposed development.
11	Dominic Steel	Question 3. Do you agree with our proposed approach to addressing the subdivision of sites? Do not agree. I feel very	Noted. The District Council will Consult in accordance with our Statement of Community Involvement (SCI).

	Name	Comment	Change required (Note change)
		little is given to people who live in these areas that planning is passed before anyone actually knows what is going on.	
11	Dominic Steel	Question 8. Do you have any comments regarding our approach to and requirements for securing affordable housing in new developments? "Affordable Housing" is NOT affordable to the vast majority! House prices are extremely inflated at the moment and with inflation and interest rates.	Affordable Housing is defined in the National Planning Policy Framework (NPPF). This SPD uses the NPPF definition of Affordable Housing.
11	Dominic Steel	Do you have any comments regarding our approach to identifying open space requirements in new developments? A lot more should be provided to villagers and time frames	Delivery timeframes are contained in legal agreements. Policy CS15 sets out the current expected quantum of provision and this SPD provides the detail to support Policy CS15.
12	Stewart Pilkington	Question 1. Do you have any comments on section 1 of the Supplementary Planning Document (SPD)? Section 1.5 speaks of the need for new or improved infrastructure services or facilities. I take infrastructure to relate to sewers, water mains, gas mains and storm water and the need to ascertain whether those existing are able to cope with the additional loads imposed by new developments. I see no mention of such considerations here or elsewhere in the document.	Add footnote to clarify what the SPD means by infrastructure. Utilities are funded differently. SPD infrastructure means education, highways, open space, health, waste etc.
12	Stewart Pilkington	Question 2. Have we adequately described the legislative and policy context for securing planning obligations in Blaby? I say no in order to be able to comment. Section 2.9 still doesn't include the infrastructure elements of which I provided examples in my comments on Section 1 of the document. Looking at the current applications for planning approval at 20.3.2024 (Gillam Butts, Foston Road and Willoughby Road) it seems that the developer presents the case for the adequacy of main infrastructure elements. Davidsons have done a reasonable job presenting a report on gas, water and telecoms requirements for Willoughby Road (for example) but choose to ignore Severn Trent's preferred option on sewage disposal. Can the council not look to demand S.106 contributions for infrastructure enhancements? Or to take an extreme case, when the Wigston Sewage works runs out of capacity will	As above, utilities are not funded through s106 agreements.

	Name	Comment	Change required (Note change)
		Severn Trent be solely responsible for footing the bill for enhanced treatment works? Similarly do Severn Trent foot the bill for new sewers and storm water drains?	
12	Stewart Pilkington	Question 3. Do you agree with our proposed approach to addressing the subdivision of sites? I don't understand the question, other than my understanding that with the current 3 No. aforementioned planning applications I understand that the council must consider each one individually rather than looking at the overall impact on all relevant areas affecting (e.g.) Countesthorpe when/if all 3 developments go ahead. This seems akin to splitting a site into smaller elements (subdivision in this parlance).	This SPD outlines the approach for existing committed development. The District Council will work with infrastructure providers when speculative applications come forward.
12	Stewart Pilkington	Question 4. Do you have any comments regarding the proposed approach to addressing viability? Please enter your comments with respect to the proposed approach to addressing viability Do you believe that the developer will have identified all of the likely costs associated with the planned development? And where costs are attributed to a particular element (say a road junction improvement), who is to say that the estimated cost is realistic? Is there a mechanism to claim money retrospectively if the proposed scheme is deemed to be non-viable?	Comments noted, no change required.  The key objective of this SPD is to indicate the likely level of planning obligations that can be expected from proposed development in advance of submitting a planning application, so these can be factored into schemes at an early stage to help avoid uncertainty.  As per NPPG it is the applicant's responsibility to demonstrate any circumstances where there is a need for a viability assessment.
12	Stewart Pilkington	Question 7. Do you have any comments regarding the proposed approach to monitoring fees and the fee level proposed? Please enter your comments with respect to the proposed approach to monitoring fees Only as in (8) above. Can you claim additional money if you need to do so?	Comments noted, no change required.  See previous above comments
12	Stewart Pilkington	Question 8. Do you have any comments regarding our approach to and requirements for securing affordable housing in new developments? It has always seemed easy for developers to use the get out clause on social housing that "the development becomes non-viable when the 25% social	Noted but Council's approach is bound by the NPPF and NPPG and exceptionally the need for development could outweigh the requirements to secure plan compliant development. In practice very few sites in

	Name	Comment	Change required (Note change)
		housing requirement is applied". It would be easy to read this sort of comment as manipulation of the open-book figures to ensure that more large (read more profitable) houses can be built to enhance the return on investment for the developer. Also it seems by observation that social housing tends to be segregated away from "normal" housing. This can and does create ghetto areas. I could show you some in Countesthorpe.	<p>Blaby come forward offering a non-compliant development and associated viability assessment. However, where this happens the Council will publish all viability assessments alongside other information supporting the application and the Council's consultant's assessment of the viability appraisal.</p> <p>Re comments on affordable housing this guidance reiterates the existing requirement that affordable units should be spread across the development in clusters of no more than 6 dwellings.</p>
12	Stewart Pilkington	<p>Question 9. Do you have any comments regarding our approach to identifying open space requirements in new developments?</p> <p>I see the relevant tables from Table 1 onwards but can you combine developments in arriving at the dwelling numbers?</p>	<p>Combining numbers from multiple developments in a close geographical area is unlikely to be feasible for open space provision.</p> <p>Add text for health facilities "Where there are separate housing allocations or developments in a close geographical area, e.g. around a town, that taken together generate a need for a whole health facility, contributions need to be made from all of them to that new facility provision or towards improving and/or extending an existing facility provision which can meet the anticipated demand. Such a facility may need to be located on land on one of these housing development sites. Through early engagement with the District Council and the masterplanning of such</p>

	Name	Comment	Change required (Note change)
			<p>sites, opportunities should be sought to secure delivery into the most appropriate site, or on new unallocated sites, or on sites with an existing health provision and available space. Developers should cooperate locally to identify a solution which is acceptable to the Council. Separate housing allocations or developments which are within a close geographical area will only be granted planning permission if the land required for health provision has been legally secured to ensure delivery of the required future provision, or there is agreement with the Council on how this provision will be made.</p>
13	Leicestershire County Council	<p>Q3. Do you agree with our proposed approach to addressing the subdivision of sites? No. It is not considered that the approach goes into sufficient detail about what happens if/when sub-division happens. Furthermore, the document doesn't cover seeking contributions for the cumulative impact of lots of smaller developments</p>	<p>Same response on sub-division of a site as above for 8. Countesthorpe PC.</p>
13	Leicestershire County Council	<p>Q4. Do you have any comments regarding the proposed approach to addressing viability? The document doesn't cover what has (up to now at least) worked well in Melton Borough and Harborough District.</p> <p>Melton - Their SPD sets out a priority order of contributions in the event of any viability challenges – could this be agreed with BDC?</p> <p>Harborough - In the event of any viability, regardless of the outcome, a late-stage review of viability clause is added in to resultant S106 agreements to see whether the development <i>could</i> afford more, and this is helpfully being undertaken as a usual practice. Harborough have been very positive with</p>	<p>Comments noted, no change required.</p> <p>Any viability issues that need addressing will be dealt with on a case-by-case basis, as there can be different infrastructure priorities on sites dependant on the detail of the development.</p>



	Name	Comment	Change required (Note change)
		supporting the County Council on this. This is also being factored into other LPA's decision making, including Melton.	
13	Leicestershire County Council	Q7. Do you have any comments regarding the proposed approach to monitoring fees and the fee level proposed 3.20 and 3.21 sets out a 5% or £360 fee – whichever is higher, or a £360 fee on any NFO's. It is not clear how this would affect income levels. The end of paragraph 3.21 appears to be missing information. The final sentence simply says "For large scale developments of more than 500."	Paragraph updated and completed.
13	Leicestershire County Council	<p>As the LLFA, we are content with the section on Sustainable Drainage Systems (paras 4.3.36 and 4.3.37). Regarding Developer contributions, we might expect to see something about contributions in areas at risk of flooding. E.g. line from EM4 for Coventry's Local Plan: <i>All opportunities to reduce flood risk in the surrounding area must be taken, including creating additional flood storage. In this instance reference should be made to the Councils IDP or Regulation 123 list.</i></p> <p>The LCC Planning Obligations Policy is currently being refreshed. A summary of the proposed changes has recently been taken to LCC Scrutiny Commission (10 April 2024). Public consultation is scheduled for May to June 2024, and it is intended that LCC Cabinet will receive a further report in September 2024 on the outcome of the consultation and will consider the revised policy. Full Council will be asked to approve the final Policy in late September 2024.</p>	Noted
14	Vodafone	No comment – returned form	Noted
15	Environment Agency	No Comment	Noted

## Blaby District Council Council

<b>Date of Meeting</b>	24 September 2024
<b>Title of Report</b>	<b>Appointment of Monitoring Officer</b> This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Terry Richardson - Leader of the Council</b>
<b>Report Author</b>	Chief Executive
<b>Strategic Themes</b>	All Themes: Enabling communities and supporting vulnerable residents; Enhancing and maintaining our natural and built environment; Growing and supporting our economy; Keeping you safe and healthy; Ambitious and well managed Council, valuing our people

### 1. What is this report about?

- 1.1 This report sets out the proposal by the Chief Executive for the appointment of the Monitoring Officer at Blaby District Council.

### 2. Recommendation(s) to Council

- 2.1 That Gemma Dennis be appointed as Blaby District Council's Monitoring Officer.

### 3. Reason for Decisions Recommended

- 3.1 The Local Government & Housing Act 1989 requires every local authority to designate one of its senior officers as the Monitoring Officer.

### 4. Matters to consider

- 4.1 Background

The Monitoring Officer role is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 (as amended). Louisa Horton has been Monitoring Officer since 1 November 2021 and following her promotion to Executive Director – Communities and subsequent appointment of the new Group Manager for Corporate Services an alternative Senior Officer is proposed for the Monitoring Officer designation.

Gemma Dennis has held the role of Monitoring Officer at a Borough Council and is considered to be suitably qualified for the appointment.

#### 4.2 Proposal(s)

That Gemma Dennis be appointed as the Monitoring Officer for Blaby District Council.

#### 4.3 Relevant Consultations

Appointment Panel

#### 4.4 Significant Issues

None. Human Resource Implications were considered at the time of appointment to the Group Manager position.

#### 4.5 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities and there are no areas of concern.

### 5. What will it cost and are there opportunities for savings?

#### 5.1 The Monitoring Officer will receive a payment of £3000 which is met from the existing budget.

### 6. What are the risks and how can they be reduced?

#### 6.1 None.

### 7. Other options considered

#### 7.1 None.

### 8. Environmental Impact

#### 8.1 None.

### 9. Other significant issues

#### 9.1 None.

### 9. Appendix

#### 9.1 None.

### 10. Background paper(s)

#### 10.1 None.

### 11. Report author's contact details

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