

DATE: 27 August 2024
MY REF: Planning Committee
YOUR REF:
CONTACT: Democratic Services
TEL NO: 0116 272 7638
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To Members of the Planning Committee

Cllr. Lee Breckon JP (Chairman)
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Tony Deakin
Cllr. Roy Denney
Cllr. Janet Forey

Cllr. Helen Gambardella
Cllr. Ande Savage
Cllr. Bob Waterton

Cllr. Neil Wright

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **THURSDAY, 5 SEPTEMBER 2024** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Louisa Horton
Monitoring Officer



AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding that the parent body has delegated its decision making powers.
- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

1. Apologies for absence
2. Disclosures of Interest

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

3. Minutes (Pages 3 - 10)

To approve and sign the minutes of the meeting held on 25 July 2024 (enclosed).

4. Applications for Determination (Pages 11 - 76)

MEMBERS SHOULD NOTE THAT ALL LETTERS OF REPRESENTATION AND CONSULTATION RESPONSES WILL BE SUMMARISED IN THE COMMITTEE REPORTS. BACKGROUND PAPERS TO REPORTS WILL BE AVAILABLE TO VIEW ON THE COUNCIL'S WEBSITE.

PLANNING COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 25 JULY 2024

Present:-

Cllr. Lee Breckon JP (Chairman)
Cllr. Mike Shirley (Vice-Chairman)

Cllr. Tony Deakin
Cllr. Roy Denney
Cllr. Janet Forey

Cllr. Helen Gambardella
Cllr. Ande Savage
Cllr. Bob Waterton

Cllr. Neil Wright

Officers present:-

Louisa Horton	- Executive Director - Communities and Monitoring Officer
Kristy Ingles	- Development Services Manager
Stephen Dukes	- Development Services Team Leader
Charles Ebden	- Senior Planning Officer
Tasneem	-
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer
Isaac Thomas	- Democracy Support Officer

1. DISCLOSURES OF INTEREST

No disclosures were received.

2. MINUTES

The minutes of the meeting held on 13 June 2024 were approved subject to an amendment to include a resolution to extend the meeting over the three hour mark.

3. APPLICATIONS FOR DETERMINATION

Considered – Report of the Development Services Team Leader.

23/1071/OUT

Catesby Strategic Land Limited

Outline planning application for the development of up to 170 dwellings (Use Class C3) with vehicular access points from Leicester Road and Foston Road and associated highway improvements, with all other matters (relating to appearance, landscaping, scale and layout) reserved. Land Adjacent To Leicester Road And Foston Road, Countesthorpe

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Cllr. Richard Holdridge – Ward Member
- Cllr. Sue Kinvig – Countesthorpe Parish Council
- Ed Barrett – Applicant

DECISION

THAT APPLICATION 23/1071/OUT BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

- 25% provision of affordable housing
- Primary education contribution
- SEND education contribution
- Early years education contribution
- Library facilities contribution
- Civic amenity and waste facilities contribution
- Health care facilities contribution
- Police contribution
- Off-site sports facilities contribution
- Allotments contribution (subject to identified need)
- Cemeteries contribution (subject to identified need)
- Travel Packs
- Bus Passes
- Travel Plan monitoring contribution
- MOVA upgrades and validation – Leicester Road/ Hospital Lane junction

2

Planning Committee - Thursday, 25 July 2024

- MOVA upgrades and validation – Countesthorpe Road/ Blaby Road/ St Thomas Road/ Saffron Road junction
- S106 monitoring contributions – District and County Councils

AND SUBJECT TO THE IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

1. 2-year time limit for submission of reserved matters. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the latter).
2. Reserved Matters details to be submitted.
3. Development to be in accordance with approved plans.
4. No approval to illustrative layout.
5. Maximum number of dwellings not to exceed 170.
6. Dwellings to not exceed two storeys in height.
7. Approved landscaping scheme for landscaped edge to be carried out in first planting season following commencement of development. Remaining landscaping to be carried out within one year of completion of development.
8. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
9. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes.
10. Details of all external materials to be agreed.
11. Details of site levels/ finished floor levels to be submitted and agreed and adhered to.
12. Surface water drainage scheme to be submitted and agreed and implemented.
13. Foul water drainage scheme to be submitted and agreed and implemented.
14. Details of management of surface water during construction to be submitted and agreed and adhered to.
15. Details of long term maintenance of surface water systems to be submitted and agreed and adhered to.
16. Infiltration testing to be carried out.
17. Construction Environmental Management Plan to be submitted and agreed and adhered to
18. Scheme for treatment of Public Right of Way Footpath Z23 to be submitted and agreed.
19. Access arrangements to be implemented in full.
20. Leicester Road/ Foston Road roundabout works to be implemented in full.
21. Footway/cycleway works between roundabout and Meadows Sports Ground to be implemented in full.
22. Landscape and Ecological Management Plan (LEMP) to be submitted and agreed and adhered to (securing Biodiversity Net Gain and 30 year

- management).
23. Recommendations in Section 6 of the Ecological Appraisal (December 2023) to be adhered to.
 24. Scheme for the provision of bat and bird boxes within dwellings to be submitted and agreed and adhered to.
 25. Hedgerows and trees to be retained to be protected during construction.
 26. External lighting scheme for public areas to be submitted and agreed and adhered to.
 27. Waste collection strategy to be submitted and agreed and adhered to.
 28. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
 29. Reporting of unexpected contamination.
 30. Recommendations of Odour Impact Assessment to be adhered to.
 31. Recommendations of Noise Impact Assessment to be adhered to.
 32. Recommendations of Lighting Impact Assessment to be adhered to.
 33. Recommendations and mitigation in Air Quality Assessment to be adhered to.
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Considered – Report of the Planning Officer.

24/0424/HH

Ms Carrie Jackson

Single storey front extension and new roof to porch and garage

18 Stanton Road, Sapcote

DECISION

THAT APPLICATION 24/0424/HH BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. 3-year condition
 2. Approved plans
 3. External materials to match existing
-

Considered – Report of the Senior Planning Officer

24/0455/FUL

Dr Mohammad Al-Akaidi

Alteration to combine into one property and to change of use from Dwelling (C3) to Children's Care Home (C2) - 4 Children aged between 4 and 11

27 And 29 Bosworth Way, Leicester Forest East

Public Speaking

Pursuant to Part 4, Section 7 of the Council's Constitution in relation to public rights of participation in planning applications, the Chairman allowed the following to give a 5 minute presentation:

- Cllr. Dillan Shikotra – Ward Member
- Dr. Mohammad Al-Akaida - Applicant

DECISION

THAT APPLICATION 24/0455/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Statutory 3 year time limit.
2. Approved Plans.
3. Permission limited to the residential care of no more than 4 children between the ages of 4 and 11 (inclusive) at any one time.
4. Permission limited to a maximum of 4 members of staff at any one time.
5. Use limited to Children's Home only and no other use within Class C2.
6. Vehicle parking details to be retained and made available for parking in perpetuity.
7. Garage to be retained for parking in perpetuity.

And subject to the following additional condition added at the meeting:

8. Details to be submitted and approved prior to installation of any external extraction equipment.

4. SUGGESTED CONDITIONS - 24/0317/FUL

Considered – Report of the Development Services Team Leader.

DECISION

That Members resolve to grant planning permission, subject to the imposition of the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To prevent the unnecessary accumulation of unimplemented

5

Planning Committee - Thursday, 25 July 2024

permissions, to encourage early implementation and to enable the District Planning Authority to review the consent if a further application is made.

2. The development hereby approved shall be built in strict accordance with the following approved plans:
 - Proposed Layout Drawing No. 624-01 Rev G (received by the District Planning Authority on the 11 April 2024)

REASON: For the avoidance of doubt.

3. No above ground construction shall take place until details of the materials to be used on the external elevations (including windows, downpipes and doors); have been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.

4. No above ground construction shall take place until details of the brick bonding have been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the brick bonding used and the appearance of the listed building when completed, in the interest of visual amenity.

5. No above ground construction shall take place until details of the methodology for the extension to the existing building has been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the methodology for the building work, to ensure that the proposal would not cause harm to the existing listed building.

6. The rear door as shown on the approved plan (Proposed Layout Drawing No. 624-01 Rev G only be used as an emergency fire escape and shall not otherwise be left open.

REASON: In the interests of the amenity of neighbouring residents.

REASON:

The proposed conditions outlined above are considered necessary to ensure

the development is carried out satisfactorily. The conditions have been suggested in light of Members' decision to resolve to grant planning permission for this proposal by overturning the Officers recommendation of refusal, subject to the imposition of the conditions recommended.

5. SUGGESTED CONDITIONS - 24/0318/LBC

Considered – Report of the Development Services Team Leader.

DECISION

That Members resolve to grant listed building consent, subject to the imposition of the following conditions:-

1. The works to which this consent relates shall be begun within three years from the date of this consent.

REASON: To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the District Planning Authority to review the consent if a further application is made.

2. The works hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Layout Drawing No. 624-01 Rev G (received by the District Planning Authority on the 11 April 2024).

REASON: For the avoidance of doubt.

3. No above ground construction shall take place until details of the materials to be used on the external elevations (including windows, downpipes and doors); have been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.

4. No above ground construction shall take place until details of the brick bonding have been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the brick bonding used and the appearance of the listed building when completed, in the interest of visual amenity.

5. No above ground construction shall take place until details of the methodology for the extension to the existing building has been submitted to and agreed in writing by the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the methodology for the building work, to ensure that the proposal would not cause harm to the existing listed building.

6. Prior to commencement of the works, details of the internal finish to be used on the existing external walls shall be submitted to and agreed in writing with the District Planning Authority.

REASON: To ensure that the District Planning Authority can exercise proper control over the methodology for the building work, to ensure that the proposal would not cause harm to the existing listed building.

REASON:

The proposed conditions outlined above are considered necessary to ensure the works are carried out satisfactorily. The conditions have been suggested in light of Members' decision to resolve to grant listed building consent for this proposal by overturning the Officers recommendation of refusal, subject to the imposition of the conditions recommended.

THE MEETING CONCLUDED AT 6.31 P.M.

**Blaby District Council
Planning Committee**

Date of Meeting **5 September 2024**
Title of Report **Applications for Determination**
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

2. Recommendation

2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

3. Matters to consider

3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **27 August 2024** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	23/0182/OUT	13	Land Off Croft Road, Cosby	APPROVE
	24/0351/VAR	67	Land To The West Of Autoglass Ltd, Meridian North, Braunstone Town	APPROVE

3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

4. Other options considered

These are included where appropriate as part of the reports relating to each individual application.

5. Background paper(s)

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

6. Report author's contact details

Kristy Ingles

planning@blaby.gov.uk

Development Services Manager

0116 272 7705

**23/0182/OUT Registered Date
6th March 2023**

Jelson Limited

Outline planning application for the development of up to 200 dwellings including provision of public open space, associated infrastructure all matters reserved except for access.

Land Off Croft Road, Cosby

**Report Author: Charles Ebden, Senior Planning Officer
Contact Details: Council Offices. 0116 272 7691**

RECOMMENDATION: THAT APPLICATION 23/0182/OUT BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

- 25% Provision of Affordable Housing
- Primary Education
- Secondary Education (11-16)
- SEND Education
- Early Years Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/enhancement
- Allotments (subject to identified need)
- Cemeteries (subject to identified need)
- Off-site sports facilities
- Contributions towards, travel packs, bus pass and travel plan provision and monitoring
- S106 Monitoring – District and County Councils
- Police (subject to identified need)

AND SUBJECT TO THE IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

1. 2-year time limit for submission of reserved matters. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the latter)
2. Reserved Matters details to be submitted.
3. Development to be in accordance with approved plans
4. No approval to illustrative layout
5. Approval for a maximum of 200 dwellings only.
6. Dwellings to not exceed two and a half storeys in height
7. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
8. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes

9. Details of all external materials to be submitted, agreed and adhered to.
10. Details of all boundary treatments to be submitted, agreed and adhered to.
11. Details of all hard landscaping to be submitted, agreed and adhered to.
12. Construction Management Plan to be submitted, agreed and adhered to during development.
13. Details of site levels/finished floor levels to be submitted, agreed and adhered to.
14. Details of external lighting to public areas to be submitted, agreed and adhered to.
15. Arboricultural Impact Assessment and Method Statement including tree protection measures to be submitted, agreed and adhered to.
16. Ecological Constraints and Opportunities Plan (ECOP) to be submitted, agreed and adhered to.
17. 30 year Landscape Ecological Management Plan (LEMP) shall be submitted and agreed and adhered to.
18. Construction Environmental Management Plan for Biodiversity (CEMP shall be submitted and agreed and adhered to.
19. Soft Landscaping Scheme shall be submitted and agreed and adhered to.
20. Soft Landscaping scheme to be implemented
21. Revised Bio-diversity Metric shall be submitted and agreed and adhered to.
22. Biodiversity Management Plan (BMP) shall be submitted and agreed and adhered to.
23. Reasonable Avoidance Measures (RAMS) Method Statements for protected species shall be submitted and agreed and adhered to.
24. All existing protected trees and boundary hedges shall be retained and protected during construction.
25. Surface water drainage scheme to be submitted and agreed and implemented.
26. Construction surface water drainage scheme to be submitted and agreed and implemented.
27. Foul water drainage scheme to be submitted and agreed and implemented.
28. Details for the long-term management and maintenance of the surface water drainage scheme to be submitted and agreed and implemented.
29. Infiltration testing to be been carried out.
30. Programme of archaeological work to be completed, submitted and agreed and implemented.
31. Phase I Desktop Study and Intrusive Ground Investigation Report to be submitted and agreed and recommendations adhered to.
32. Reporting of unexpected contamination
33. Access arrangements to be implemented in full.
34. Offsite footway improvement work to be implemented in full.
35. Scheme and timetable for delivery for the treatment of Public Right of Way W40, to be submitted and approved.
36. Drainage to be provided within the site such that surface water does not drain into the public highway including private access drives.
37. A waste collection strategy to be submitted and agreed.

NOTES TO COMMITTEE

Relevant Planning Policies and Guidance

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 - Strategy for locating New Development
Policy CS2 - Design of New Development
Policy CS5 - Housing Distribution
Policy CS7 - Affordable Housing
Policy CS8 - Mix of Housing
Policy CS10 - Transport Infrastructure
Policy CS11 - Infrastructure, services and facilities to support growth
Policy CS12 - Planning Obligations and Developer Contributions
Policy CS14 - Green Infrastructure
Policy CS15 - Open space, sport and recreation
Policy CS18 - Countryside
Policy CS19 - Biodiversity and geo-diversity
Policy CS20 - Historic Environment and Culture
Policy CS21 - Climate Change
Policy CS22 - Flood Risk Management
Policy CS23 - Waste
Policy CS24 - Presumption in favour of sustainable development

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

Updated Policy CS15 - Open space, sport and recreation
Policy DM2 - Development in the Countryside
Policy DM4 - Connection to Digital Infrastructure
Policy DM8 - Local Parking and Highway Design Standards
Policy DM11- Accessible and Adaptable Homes
Policy DM12 - Designated and Non-Designated Heritage Assets
Policy DM13 - Land Contamination and Pollution
Policy DM15 - Mineral Safeguarding Areas

Cosby Neighbourhood Plan (July 2021)

Policy CNDP2 - Development affecting non-designated heritage assets
Policy CNDP3 - Design Principles
Policy CNDP7 - Access to the Countryside
Policy CNDP8 - Access and Road Safety

Leicestershire Minerals Development Framework Core Strategy DPD

National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF) 2024 (consultation)

Planning Practice Guidance (PPG)

Other Supporting Documents

National Design Guide - Planning practice guidance for beautiful, enduring and successful places

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Leicestershire Highways Design Guide

Blaby District Council Active Travel Strategy 2024

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance (2010)

Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (2013)

Blaby Landscape and Settlement Character Assessment (2020)

Blaby District Council Open Space Audit (December 2015)

Blaby Playing Pitch Strategy & Action Plan 2020

Blaby Residential Land Availability Report (March 2023)

Joint Strategic Flood Risk Assessment Final Report (October 2014)

Blaby Strategic Housing and Economic Land Availability Assessment (SHELAA) 2019

Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) 2022

Consultation Summary

Active Travel England – Refers the Council to standing advice.

Blaby District Council, Active Travel Advisor – Recommends Active Travel improvements as follows:

- Travel Plan should reflect Blaby District Council targets.
- Working group should be set up with Travel Plan Coordinator.
- Integration of segregated cycleways on the principal access to the site, main internal routes and pedestrian links throughout.
- PROW to be developed to allow use of cycles and those with inclusive mobility needs.
- Provision of for wayfinding signage and lights throughout.
- Provision should be made for raised table crossing or 'Dutch Style roundabouts'.

- Provision for a signalised toucan crossing near entrance to the site on Croft Road.
- Upgrade of Dutch style junction at Croft Road.
- Numbers, construction and placement of cycle parking and storage is unclear.
- Lack of provision for pedestrian and toucan crossing within the site.

Blaby District Council, Environmental Services – No objections subject to conditions in relation to Land Contamination, Flooding, Drainage and Impact of Construction.

Blaby District Council, Green Officer – No Comments received

Blaby District Council, Health and Leisure – Requests a total developer contribution of £277,037 to be used for improvements to off-site sports facilities to cater for the additional demand generated by the development.

Blaby District Council, Conservation Officer – No objections.

Blaby District Council, Housing Options – No objections subject to the submission of a suitable housing mix at detailed Reserved Matters stage.

Blaby District Council, Neighbourhood Services – No objections. Referred to Waste Collection Guidance.

Cosby Parish Council – Objects to the application on the following grounds:

1. *“Paragraph 2 “Introduction” of the National Planning Policy Framework 2012 states clearly “planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.*
2. *The Blaby District Council Local Plan and the Cosby Neighbourhood Development Plan have both been “made” and are intrinsic parts within the definition of the Development Plan.*

The Local Development Plan is neither absent, silent nor relevant policies out of date as recognised by the applicants in their repeated references to their compliance with the Local Plan policies and therefore full planning weight must be applied to the Local Plan and the policies within.

3. *The new Local Development Plan for Blaby District Council is in development but has limited weight attached to it, as it is neither complete, late in submission or assessed by the Planning Inspectorate. As such the current Local Development Plan carries full weight in the determination of planning applications.*
4. *This application for up to 200 homes on Open Countryside fundamentally conflicts with Blaby District Council Policy Core Policy CS18 (Development in the countryside) and can only be assessed against the NPPF and Blaby District Council Local Development Plan, unless material considerations indicate otherwise”.*

When considered as an application within the Local Plan policies and the distribution of housing delivery within the medium central villages, there are no material considerations that would indicate that the Local Plan is not carrying full weight and that policies should be ignored.

5. *The land off Croft Road, Cosby that is proposed for development does not appear in the 2019 approved “Strategic Housing and Economic Land Availability Assessment (SHELAA) within appendix 1 – “Sites with planning permission, under construction or allocated for development, as at 1 April 2019 (yield of 5 or more dwellings)”.*
6. *Of immediate note is the applicants comment at 2.8 of their Planning Statement suggests that their Planning Statement document is many years out of date; “All of the above facilities would be within 800m (0.5 miles) of **the appeal site**.”*

This application is not a document for a planning appeal, this is a fresh application to build up to 200 homes.

7. *Despite the assertions of the applicant, in section 3 of the Planning Statement, Application Background, the Planning Inspector found in favour of the Planning Committees determination to refuse the application and dismissed the appeal to build on Open Countryside.*

Since that point in time, little has materially changed other than the spatial distribution across the medium central villages has become more skewed, placing significant strain on the existing infrastructure and negating the need for further development within the medium central villages.

8. *The comments regarding Croft Road in section 7.35 (xiv) suggesting that the level of on-street parking does not significantly hinder the free-flow of traffic is laughable and demonstrates a complete lack of understanding of the traffic flow and congestion issues on Croft Road.*

The secondary reference to Cosby Road is confusing and may relate to another planning application elsewhere.

9. *The out-of-date and misleading applicants’ Design and Access Statement (pages 13 & 19 maps) red line boundary of the application site visually demonstrates the overbearing scale of the application site in comparison to the existing built form of the village.*

In proportional comparison, the proposed development of up-to-200 homes dwarfs the immediately adjacent and neighbouring 48 properties on Lady Leys being over 4 times the size of Lady Leys. This will clearly have a significant and detrimental effect on the amenities of the existing residents of Lady Leys. This can be visually assessed “off-plan” on page 30 of the Design and Access Statement.

Similarly, the proposed development is over 6 times the scale of the 32 homes on Prior William Close which only secured planning permission on Open Countryside as a designated Rural Exception Site.

10. *A number of comments within the Design and Access Statement are incorrect and misleading.*

11. *Page 35 of the Design and Access Statement clearly indicates as point number 1; what is understood to be the “potential expansion of Victory Park” to “Deliver usable multi-functional public open space”.*

The open space indicated does not appear within the red line boundary of the application and cannot therefore be considered as any element of the planning application.

12. *The illustrative Access and Street Hierarchy plan on page 38 of the Design and Access Statement indicates numerous semi-private drives which are likely to conflict with the refuse collection policies of Blaby District Council where refuse vehicles will not access refuse bins via private roads.*

13. *Blaby District Planning Authority holds a housing supply in excess of 5 years with no reasons to override Local Plan policies which would directly conflict with core policy CS18.*

The applicants specifically note in sections 5.1 and 5.2 of their Planning Statement that “planning applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise” and “The Development Plan for Blaby consists of the Local Plan (Core Strategy) adopted in 2013 and the Local Plan Delivery DPD which was adopted in February 2019.

This planning application can then only be assessed against the existing Local Plan and associated policies as confirmed by the applicants.

Transport Assessment – Applicants

14. *Section 2.2.5 of the Transport Assessment states that: –*

“The Local Plan identifies a requirement of 8,740 dwellings to be built in the district between 2006 and 2029. Policy CS5 identifies a total of 815 dwellings to be provided in Littlethorpe, Cosby, Croft and Sapcote. The proposed development will therefore contribute towards this requirement”.

This is an incorrect, misleading and an under-representative statement which does however confirm that the applicant, by quoting the housing requirements for Blaby District, recognises that policy CS5 is relevant; that the current local plan is the local plan in force and that policy CS5 is an up-to-date policy and that it must carry full weight.

15. *Section 6 of Policy CS5 “Medium Central Villages” is specific. The Medium Central Villages comprise of Littlethorpe, **Huncote**, Cosby, Croft and Sapcote, with a combined housing target of 815 over the plan period. It is quite evident that the applicant has chosen to exclude Huncote and the 181 houses delivered within*

Huncote from the villages that make up the medium central villages throughout the Transport Assessment.

16. *This misleading and incorrect statement runs through the applicants' documents and also appears in the Travel Plan consistently misstating the housing requirements across the Medium Central Villages.*
17. *The omission of Huncote renders the statement of "the proposed development will therefore contribute to this requirement" invalid as what is evidentially a very material consideration "**Huncote**" has been consistently omitted from critical application documents.*
18. *As the applicant has based their assessments on their under-stated Medium Central Villages, the applicant has under-calculated the housing delivery by a minimum of 181 properties in Huncote. This misrepresents the overall impact of the applicants' development in the Medium Central Villages by a minimum of 181 residential properties, **19 short of the applicants' "up to 200" dwellings.***
19. *Section 3.4 Pedestrian Accessibility sections 3.4.1 to 3.4.3 stretches the concept of pedestrian accessibility to an unusual limit.*

Anybody wishing to access the footway into Cosby from the proposed development either has to cross Croft Road once or twice depending on destination with the dropped kerb indicated in 3.4.3 entirely within the site boundary of Prior William Close and not linking to any footway on Croft Road.

20. *Section 4.2.5 states that the footway on the northern side will be extended from Prior William Close to the proposed site entrance. It is understood that the land required for this footway extension is in private ownership and would require a separate legal agreement which appears to be absent at this time.*
21. *Section 3.8.1 **Highway Network** seems to suggest that traffic exiting the proposed development would travel west towards the B4114, Coventry Road to travel into Leicester.*

The more likely and more direct route would be through Cosby onto either Park Road – Cambridge Road or Countesthorpe Road - Lutterworth Road – Blaby by-pass and a far more significant impact on the existing settlement and road infrastructure.

22. *Section 3.10 only comments on recorded collisions involving personal injury – not total collisions, full collision data should be provided.*
23. *Section 4.2.6 states that speed cushions will be provided on Croft Road. More information is required as it is well known that speed cushions in residential areas create their own noise and vibration issues and may be detrimental to existing residents.*

24. *The applicants' traffic assessment demonstrates that Croft Road, Cosby is already an extremely busy, fully residential road with approaching a peak of 6,000 vehicle movements per day.*

The proposed development of up to 200 and potentially 280 dwellings will only exacerbate what is already locally known as a busy, challenging and often congested road.

Policy CS5 – Housing Distribution.

25. *Blaby District Local Plan Policy CS5 details the distribution of housing and land allocations.*

26. *The application land does not appear in the land allocations within the Local Plan.*

27. *As at March 23rd 2023, the total number of “completed” dwellings across the Medium Central Villages was 987 against a Housing Requirement of 815; 815 being agreed and as stated by the applicant in their Transport Statement.*

28. *The current over-delivery across the Medium Central Villages equates to 172 dwellings over the housing requirement, a 21.1% over-delivery.*

29. *This application for up to 200 homes within the Medium Central Villages would increase the over-delivery to a minimum total of 372 equating to a near 50% over-delivery and unacceptably and severely skewing of the spatial distribution of housing between the PUA and Non-PUA areas.*

30. *A near 50% over-delivery of housing and population growth will inevitably have a disproportionate and unacceptable impact on the existing settlements and infrastructure.*

31. *Planning Policy Officers at Blaby District Council have confirmed that 99 dwellings have been delivered within Cosby between 2006 and 2021 and within the Plan Period, a 7.3% increase with zero infrastructure gain within the plan period.*

32. *Cosby currently has c: 1,458 residential dwellings within the main conurbation which the application seeks to expand by 200 dwellings.*

A 200-dwelling development would equate to a 13.7% increase in, in-village housing, vehicle and pedestrian movements and subsequent demand on limited infrastructure.

33. *The applicants outline plan clearly indicates and intimates the “Potential Development Site by Others” with a secondary site access through that parcel of land. It seems inconceivable that the applicants are not in dialogue with the land owners of this additional parcel of land and the Parish Council requests any details of those conversations.*

Should the applicants' proposal secure planning approval, the potential development site will become landlocked and potentially viewed as "planning infill" creating a further negative impact on the settlement of Cosby.

The potential development site with secondary site access indicated by the application could likely accommodate around 80 dwellings. In reality and in practice, the impact on Cosby is the 99 already delivered, plus the proposed 200, plus the opening up of additional land for a further c:80 dwellings.

Overall, the total impact on Cosby would equate to around $99 + 200 + 80 = 379$

Plan period baseline – 1,359 dwellings

99 already delivered in the plan period = 7.28% growth

200 + 99 in the plan period = 22% growth

Risk of 200 + 80 + 99 (delivered) = 379 = 27.9% growth

These scales of unnecessary and unwelcome growth are entirely out of character with the rural nature of Cosby, are unnecessary within the approved Local Plan and skew yet further the spatial distribution of housing across the medium central villages.

The most up to date housing delivery within Policy CS5 of the Blaby District Local Plan is clear and unambiguous for the Medium Central Villages which are currently exceeding the "minimum" housing numbers by 21.1%. This application for up to 200 homes; if not refused will over-deliver by nearly 50% and fundamentally and irrecoverably, skew the spatial distribution of the Local Plan and overload the local infrastructure.

- 34. The applicant suggests that land could be offered as a "Potential expansion of Victory Park". The potential land indicated does not sit within the red-line boundary of the application site and cannot therefore be considered as part of the application.*
- 35. Considering the points above, the "scale" of the proposed development is more than significant and the impact detrimental with no material considerations that would overcome the fundamental conflicts with policies CS5 and CS18.*
- 36. When considered against section 2 of the NPPF, the Local Development Plan and Cosby Neighbourhood Development Plan both being "made", neither being absent, silent or out of date, there are no material considerations that would indicate otherwise than the **presumption against this development on Open Countryside**.*

Policy CS18 Development in the countryside.

- 37. Policy CS18 seeks to protect open countryside from inappropriate uses that would undermine its open character and carries a presumption against development.*

38. *Section 2.3 of the applicants' Planning Statement states that the application site is bounded on the north and west of the site by Open Countryside, ignoring the fact that the application site itself is Open Countryside, as defined in the Blaby District Council Local Plan and has a presumption against development.*
39. *It would be impossible for this proposed development to not undermine the open character of the north and western open countryside areas of Cosby which stretches from the current built form on Croft Road out to the B4114 Coventry Road with virtually uninterrupted views.*
40. *Section 2.7 of the applicants' Planning Statement is out of date as it states that there are facilities in the village that do not exist and challenge the available infrastructure stated and the applicants' basis for the suggested sustainability of the development.*
41. *Policy DM2 of the Delivery DPD (2019) is inherently irrelevant to this application due to the fundamental conflicts with core strategy policies CS5 and CS18 and the lack of any material considerations that would result in policy override.*
42. *Bullet 6.4 (c) of the applicants Planning Statement acknowledges that developments that accord with an up-to-date development plan should be approved without delay.*

Evidentially, this application does not accord with and conflicts with the up-to-date development plan for Blaby District Council and should be refused on that basis.

Highways access.

43. ***"all matters reserved except for access"** commits the development to a single point of access and egress off an already busy and endlessly complained about road.*
44. *This single point of access and egress is unacceptable to the residents of Croft Road in particular, but also to the wider community and to Cosby Parish Council.*
45. *Leicestershire County Highways "highways requirements part 1", (1.11) clearly states that "no more than 150 dwellings will be permitted to be served via a single point of access and the internal estate layout should be in the form of a loop wherever possible".*

The initial response from the County Highway Authority is unambiguous in stating that the proposed development is considered contrary to Table DG1 part 3 of LHDG which states that no more than 150 dwellings should be served by a single point of access off a residential access road.

Evidentially, the proposed development of up to 200 dwellings conflicts with both of these requirements and should be refused on Highways grounds.

The Parish Council refers to point 33 above and seeks clarity on the suggested potential secondary site access presented by the applicants.

Planning Obligations.

- 46. Section 8.1 of the Planning Statement is non-specific and fails to specify what local facilities could be invested in and improve the viability of what?*
- 47. Section 8.4 suggests investment in local Healthcare facilities of which there are none outside of a privately operated pharmacy.*
- 48. Section 8.5 sets the position of Jelson's who hold the caveat that no planning obligations may actually be brought forward so potentially no guaranteed benefit for the Cosby settlement and community.*

Other observations include: -

- 49. Bizarrely, although the applicant states that the application complies with numerous Local Plan policies in their Planning Statement and Transport Statement and by default acknowledge that the Local Plan is up to date by repeatedly stating that the application accords with local policies. In section 7.37 of the Planning Statement, the applicant then tries to assert that the "relevant plan polices" are out of date when they are clearly not and is a direct contradiction of the applicant's own assertions throughout the application.*
- 50. The proposed Public Open Space, extension to Cosby Victory Park adjoining Cosby Victory Park is neither within the red line boundary of the application or considered to be a financial contribution to the village of Cosby as the land is indicated to be a flood plain. As such the parcel of land is of no obvious strategic development value to the developers and will become landlocked for the owner should the development ultimately be approved.*

If this parcel of land is a genuine proposal, then it must appear within the red-line boundary of the planning application to be considered.
- 51. The County Council Highways Department have dismissed the traffic assessment due to the incorrect modelling being applied.*

Public consultation.

- 52. The applicant has made no effort to consult with the public.*
- 53. Cosby Parish Council however facilitated two well-attended public meetings with the first public meeting far exceeding the expected attendees.*
- 54. A resident instigated impromptu public vote at the end of the second public meeting resulted in a virtually unanimous vote against the development.*
- 55. Cosby Parish Council at their monthly meeting on 20th April 2023 then; with all matters considered, resolved to object to the application.*

56. *Out of many comments at the public meetings, two common themes were prevalent being: -*

1. *Traffic on Croft Road and further congestion in the village (The applicant asserts that there are no traffic issues on Croft Road)*
2. *Scale of development compared to a small rural village of c: 1,458 residential properties equating to a 13.7% increase.*

Summary comments not covered above from the audience include:-

3. *Single point of access and egress is unacceptable and dangerous.*
 4. *Traffic and congestion*
 5. *How will Jelson's deliver a green agenda*
 6. *Lack of parking in the village*
 7. *Air quality*
 8. *Lack of services in Cosby*
 9. *Loss of recreation space*
 10. *Flooding – surface water collection and disposal*
 11. *Electricity network overload*
 12. *Construction traffic travelling through the village*
57. *244 public comments have been submitted to the Planning Authority, the vast majority of which are in opposition to the proposed development with a general reflection of the key points noted above.*
58. *Should the development ultimately be approved, Cosby Parish Council will require substantial investment in appropriate housing mix, highways mitigation, modal shift, pedestrianised travel measures and community infrastructure.*
59. *Should the development ultimately be approved, Cosby Parish Council expects the developers to work constructively with the local planning authority, Cosby Parish Council, Leicestershire County Council and the community of Cosby to bring forward a development that fully recognises the vast scale and impact of the proposed development and is acceptable to the existing residents of Cosby.*
60. *The applicant must be and fully demonstrate the full support of the County and District Councils ambitions for “modal shift” with Active Travel polices and pedestrianised routes as is indicated in the Applicants Travel Plan, stating that*

“This will be achieved by providing new routes for pedestrians, cyclists, and public transport (as part of new development proposals) and enhancing existing facilities”

As the developers are committed to Modal Shift and pedestrian safety, Cosby Parish Council calls on the Applicant, County and District Planning Authority to ensure that the development includes the installation of a pedestrian crossing on Narborough Road adjacent to the Narborough Road exit and entrance to Cosby Victory Park in support of safe pedestrian travel between the applicant’s development and Cosby Primary School.”

Environment Agency – States that they will not be making any formal comment.

Leicestershire County Council, Archaeology – No objection subject to condition.

Leicestershire County Council, Developer Contributions Officer – Requested developer contributions as follows:

- **Waste** – £23.87 per dwelling (£4,774) towards Whetstone RHWS
- **Libraries** – £30.20 per dwelling (£6,039.54) towards Cosby Library
- **Primary Education** – £3,432.57 (£686,514.40) per dwelling towards Cosby Primary School
- **Secondary Education (11-16)** – £2,895.29 per dwelling (£597,058.40) towards Thomas Estley Community College
- **SEND Education** – £564.48 per dwelling (£112,896.86) towards Wigston Birkett House Community Special School
- **Early Year Education** – £1,560.26 per dwelling (£312,052.00) towards Cosby Primary School

Leicestershire County Council, Ecology – No objection subject to condition.

Leicestershire County Council, Forestry – No objections subject to conditions.

Leicestershire County Council, Highways (LHA) - Following the submission of additional information, the Local Highway Authority advises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Further detail is incorporated into the ‘transport and highway implications’ section of the main report.

The LHA requests conditions in relation to the submission and approval of a construction traffic management plan, a scheme for the treatment of the public right of way (W40), with access arrangements and offsite footpaths being implemented in full.

Contributions are sought for travel packs, bus passes, travel plan monitoring.

Leicestershire County Council, Lead Local Flood Authority (LLFA) – No objections subject to conditions.

Leicestershire County Council, Minerals and Waste – No objections.

Leicestershire Fire and Rescue – State they do not consult on plans and directs to their legislative guidance and supporting information on their website.

Leicestershire Police – Requests a contribution of £33,371 to mitigate the additional impacts of this development

Leicestershire and Rutland Wildlife Trust – No response received.

Natural England – No response received.

National Grid – No response received.

NHS, Leicester, Leicestershire and Rutland Integrated Care Board – Requested £483.07 per dwelling (£96,614.40) contributions towards local primary health care in the area, specifically, The Limes Medical Centre, Narborough and the Orchard Medical Practice, Braughton Astley.

Severn Trent Water Authority – No comments received

Sports England – No objections. Sports England have referred to BDC Health and Leisure in relation to financial contributions from the proposed development towards the enhancement of the sports facilities.

Third Party Representations

415 letters of representation were received, 413 of which objected to the application and 2 supported the application. The objections were centred around the following issues:

Highway Implications and Connectivity

- Volume of traffic causing congestion and highway and pedestrian safety issues.
- Poor access.
- Poor access for emergency vehicles.
- High volume and speed of vehicles.
- Poor quality of existing roads.
- Lack of parking in Cosby.
- Village is already a rat run for commuting traffic.
- Lack of provision of crossing points on Croft Road.
- Single point of access not suitable for size of development.
- Croft Road needs widening to incorporate cycle paths.
- Inadequacy of Transport Assessment.
- No traffic calming and management measures proposed.
- Traffic calming required on Croft Road and Countesthorpe Road.
- Braughton Road and the Nook junction at capacity....
- Existing on street parking issues.
- Croft Road already gets gridlocked.
- The speed on Cosby Road has increase dramatically.

- There is insufficient parking in the village for existing residents.
- The development is too far from the village centre and residents will take the car.
- Traffic calming would bring Cosby to a standstill.
- Builders traffic will cause problems.
- The traffic may have a detrimental effect on the fabric of the buildings.
- Already dangerous to exit Kingsfield Road.
- Lack of provision of cycle infrastructure.
- Active travel needs to be embedded into the development with connectivity to the wide cycle network.
- Lack of consideration given to existing footpath.
- Need for a pedestrian crossing point across Narborough Road.

Facilities and Infrastructure

- Lack of facilities including doctors, dentists, policing, shops, school, post office
- Schools at capacity.
- Poor quality public transport.
- The village infrastructure, including roads and general facilities (shops, services etc) cannot cope with development of this size.
- Pressure on existing services and facilities.
- Lack of local employment opportunities.
- Poor internet connectivity.
- Energy capacity.

Housing Need

- No need for more houses.
- Increase in size of village by 23%.
- Focus on new settlements rather than existing villages and brownfield site.
- No need for 3 bedrooms houses.
- Lack of affordable homes.
- No need for more houses.
- Lack of affordable houses.
- Lack of bungalows.
- Need for starter homes.
- Development should be accommodated elsewhere, including Whetstone Pastures.
- Cosby is not a suitable location to accommodate additional district wide housing need.
- Cosby has met its housing targets.
- Significant growth already in neighbouring villages.

Environmental Implications

- Development would lead to an increase in Air, noise and light pollution.

Biodiversity

- Loss of green space.
- Loss of wildlife habitat.

- Detrimental impacts on Protected species including of Badger Setts, bird nesting.
- Loss of agricultural land.
- Inadequate assessment of BNG.

Design

- Poor design and appearance.
- Impacts on residential amenity.
- Character and appearance.
- Scale of development.
- Poor quality new build houses.
- Loss of village character.
- Over development of the site.

Policy

- Contrary to development plan.
- Encroachment into countryside.
- Coalescence of villages.
- The Blaby District Character Assessment states that Cosby has a strong urban fringe and recommends that the gateways to the village should be protected.
- It will exceed the overall housing allocation for Medium Central Villages.

Flooding and Drainage

- Flooding exacerbated by climate change.
- Flooding into Victory Park.
- Existing drainage infrastructure at capacity.

Heritage

- Detrimental impact upon local heritage assets.

Other

- Increase in crime.
- Antisocial behaviour due to lack of youth facilities.
- The development proposal would increase the village by 23%.
- Need for integrated low carbon and renewable energy facilities.
- Need for a new school, medical centre and green space.
- Loss of public access to fields.
- Impact on the village tourism.
- Loss of village character and status.
- Loss of separation between villages.
- Disruption during construction phase.
- Landscape impacts.
- Loss of views.
- Overlooking into play areas.
- Lack of consideration of previous refusal.
- Loss of community cohesion.
- Health and wellbeing implications due to loss of access to countryside.
- Loss of access to countryside.

- No consideration for the maintenance of the development and associated infrastructure.
- Loss of public amenity.
- Loss of village character.
- It will exceed the overall housing allocation for Medium Central Villages.
- If the proposal is approved there is a need for S106 contributions towards enhancement of open spaces.

Relevant Planning History

16/0639/OUT	Outline Application for Residential Development (max 200 dwellings) and associated infrastructure (Access to be Approved)	Refused 16.11.2016 Appeal Dismissed 16.10.2017
16/03/EIASCR	Residential Development of up to 200 dwellings	EIA Not Required 02.06.2016
23/01/EIASCR	Environmental Impact Assessment Screening Opinion relating to proposed residential development of up to 200 dwellings	EIA Not Required 20.08.2024

EXPLANATORY NOTE

The Site

The application site comprises of several agricultural fields situated to the north of and outside the Settlement Boundary of Cosby situated on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

The application site measures approximately 10.5 hectares in area enclosing the northern and western edges of Cosby in two distinct sections. The western section of the site is bounded by Croft Road with the eastern section of the site (beyond land shown in blue) being bounded the Victory Park recreation area. The northern boundary of the application site fronts onto open countryside. The Prior Williams and Lady Leys residential developments bound the south and southeastern edges of the application site. The land slopes gradually from south to north and contains a number of established field boundary hedges and trees around the existing fields.

Cosby village centre is approximately 600m to the southeast of the development site, including a range of local services and facilities. Victory Park is situated to the east of the site providing open space and sporting facilities, including football and cricket pitches and a play area. The library and village hall are located adjacent to Victory Park off Park Road. The nearest school to the Site is Cosby Primary School located off Portland Street approximately 500m from the Site. Countesthorpe Academy (providing secondary education) is located approximately 4km to the east of the Site.

The application site on land edged in red is situated within Flood Zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.

Between the eastern boundary of the development site and Victory Park is an additional area of land shown outlined in blue which lies within Flood Zone 2 and 3. This land is proposed to form an additional area of open space and ecological enhancements in association with the application site. Although submitted by the same applicant, this land is subject to a separate application (24/0074/FUL) which is being determined independently of application 23/0182/OUT. Although it is understood that the applicant's intention is to provide this additional area of open space if planning permission is granted, this will not be a requirement of any approval granted in this application.

Footpath W40 dissects the site from Lady Leys to the south leading to the countryside to the north. Additional footpaths link the site to Victory Park and Narborough Road to the east.

The site may contain workable sand and gravel deposits which could be safeguarded under Policy MDC 8 of the Leicestershire Minerals Development Framework Core Strategy DPD.

An Agricultural Use and Quality of Land survey also found that most of the land is grade 2 agricultural quality with the remainder being sub-grade 3a quality. The implications and weight afforded to this matter in the planning balance is dealt with further on in the report.

The Proposal

The proposed development seeks Outline planning permission for up to 200 dwellings. The Outline application reserves all matters other than the access for later approval. An indicative Masterplan and Design and Access Statement submitted with the proposal demonstrate the likely impact of the development and the potential extent of the developable area within the application site. Whilst the scheme is indicative and could be subject to change at the detailed Reserved Matters Stage, the submitted information shows the site and neighbouring parcel of land would have approximately 6.8 hectares of developable area and some 4 hectares of public open space, including green space, incorporating public open space, landscape and ecological buffers, children's play areas and on-site sustainable drainage systems including attenuation basins and swales. An area of approximately 0.7 Ha is located to the north of the site set aside for ecological mitigation.

The indicative scheme submitted shows a defined street hierarchy, including a tree lined central avenue and regular street pattern throughout with clearly defined character areas and an extensive network of pedestrian routes and connections to the village centre and countryside beyond. Enhanced vistas throughout the site are provided with views framed onto the adjoining countryside beyond. The indicative scheme also provides generous provision of green space throughout the development and along the most visible edges of the scheme to soften the visual impact of the development and enable the retention of the rural aesthetic of the area and mirror the internal green spaces through the village itself. The proposal allows for the

incorporation and enhancement of the existing public footpath dissecting the site and the retention of the highest quality hedges and provision for ecological enhancement and mitigation. Given the scale of the site the plans show sufficient space to provide an attractive, relatively spacious development which could be designed to minimise the visual impact on the existing environment, whilst also retaining the character of the village and ensuring the protection of the amenities of future and adjoining residents. The dwelling types proposed in the submitted planning statement would range between single storey and 2.5 stories.

The scheme proposes a single point of access to serve all of the dwellings within the site off Croft Road emerging opposite 82 and 84 Croft Road. The suitability and implications of such are set out in detail later in this report.

The following documents have been submitted in support of the planning application:

- Indicative Master Plan
- Design and Access Statement
- Planning Statement
- Heritage Statement
- Biodiversity Net Gain Report and Metric
- Ecological Appraisal
- Agricultural Land Assessment
- Minerals Assessment
- Landscape and Visual Appraisal
- Geotechnical Survey Report
- Arboricultural Assessment
- Archaeological Desk Based Assessment
- Surface Water Drainage Strategy
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Addendum to Transport Assessment – April 2024
- Proposed Site Access – Drawing Number – ZZ-DR0-H-0001 Rev P06

The applicant has confirmed a willingness to enter into a Section 106 Agreement to secure, where appropriate, any Developer Contribution requests, and has set out draft heads of terms which includes affordable housing, early years, primary, secondary and SEND education, library, civic amenity and waste facilities, healthcare provision, open space and off site sports provision, travel packs, bus passes and travel plan provision and monitoring, including any off-site commuted sums as applicable, and any other contributions identified which meet the appropriate tests of necessity, being directly related to the development, and being fair and reasonable.

Environmental Impact Assessment

As the application relates to urban development on a site of more than 5 hectares, with more than 150 dwellings proposed, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an Environmental Statement if

the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. The District Planning Authority has issued a Screening Opinion (23/01/EIASCR) and has determined that an Environmental Statement is not required.

The District Planning Authority, having taken into account the criteria set out in Schedule 3 of the 2017 Regulations, considers that the proposed development would not be likely to have significant effects on the environment by virtue such as its nature, size and location. It is also considered that all of the relevant material impacts of the development can be properly considered and adequately mitigated through the standard planning application process.

Planning Policy

National Planning Policy Framework

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 2 of the NPPF identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 also indicates that the NPPF is a material consideration in planning decisions.

Paragraph 10 of the NPPF and Policy CS1 and CS24 of the Blaby District Council Core Strategy (2013) set out a presumption in favour of sustainable development, and states that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

The Council has reviewed and published an updated housing land supply position in September 2023. This confirms that the Council cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application before members should therefore be considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Paragraph 11 of the NPPF sets out a presumption in Favour of Sustainable Development. It states that plans and decisions should apply this presumption, especially when there are no relevant policies in the Development Plan or when the relevant policies are 'out of date'. In such cases, permission should be granted unless there is a clear reason for refusal or the adverse impacts would significantly outweigh the benefits.

Blaby District Council has recently published an updated housing land supply position. This update confirms that the Authority can currently demonstrate a 3.69 year housing land supply. This is notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF.

As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

There are no assets or particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the application. It is therefore necessary to assess the proposals against limb two of paragraph 11d, i.e. whether the adverse effects of granting planning permission would *significantly* and *demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the

starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

Paragraph 13 of the NPPF state that the application of the presumption (in favour of sustainable development) has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

Paragraph 60 of the NPPF says to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Paragraph 77 of the NPPF says local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than 5 years old.

Paragraph 81 of the NPPF says that to help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.

Paragraph 184 describes heritage assets as 'irreplaceable resources' which should be conserved in a manner appropriate to their significance.

Paragraphs 193 – 196 state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of the significance of a designated heritage asset (from its alteration or

destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

National Planning Policy Framework (NPPF) – Consultation 2024

The government is currently consulting on their proposed approach to revising the NPPF, including (among other changes) the standard method for calculating housing land supply, which indicates a larger shortfall for the Authority's housing land supply. This is a material consideration but as a draft document where consultation is ongoing it should only be afforded limited weight.

DEVELOPMENT PLAN

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby.

The Council cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations.

Policy CS1– Strategy for Locating New Development

Policy CS1 seeks to focus new development, including housing in the most sustainable locations in the district, primarily within and adjoining the Settlement Boundaries of the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe).

Cosby is situated outside the PUA and is defined as a Medium Central Village. Policy CS1 states that lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality, safe and socially inclusive environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. New development should also provide opportunities to enhance the natural and historic environment.

Policy CS5 – Housing Distribution

Policy CS5 aims to focus new development in the most appropriate locations. The policy identifies Cosby as one of the Medium Central Villages in the District along with the settlements of Littlethorpe, Huncote, Croft and Sapcote. Together these villages are required to accommodate a minimum of 815 dwellings over the plan period.

Policy CS7 – Affordable Housing

Policy CS7 states that the Council will seek to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. Affordable housing should be provided on site unless there are exceptional circumstances preventing this. To ensure mixed and sustainable communities, residential development should integrate affordable and market housing through the dispersal of affordable housing units within residential development and use a consistent standard of design quality. The tenure split and mix of house types for all affordable housing will remain flexible and will be assessed on a site-by-site basis, although affordable housing should be integrated into each phase and sub-phase of development.

Policy CS8 – Mix of Housing

Policy CS8 states that residential proposals for developments of 10 or more dwellings should provide an appropriate mix of housing type (house, flat, bungalow, etc.), tenure (owner-occupied, rented, intermediate) and size (bedroom numbers) to meet the needs of existing and future households in the District, taking into account the latest Strategic Housing Market Assessment and other evidence of local need. The Council will encourage all housing to be built to ‘Lifetime Homes’ standards, where feasible.

Policy CS10 – Transport Infrastructure

Policy CS10 refers to seeking to reduce the need to travel by private car by locating new development so that people can access services and facilities without reliance on ‘private motor vehicles’. The policy also refers to providing new routes for pedestrians, cyclists and public transport (as part of development proposals). Designs which reduce the impact of road traffic should be encouraged, for example through greater allocation of street space to more sustainable forms of transport, and links to existing key services and facilities should be provided.

The policy states that the Council will seek solutions for improving public transport that are likely to be sustainable in the long term. Developments should seek frequent, accessible and comprehensive public transport links to Leicester City Centre and other key service/ employment centres and facilities. Other measures such as discounted bus ticketing for residents of new developments will be required where appropriate. In relation to residential parking, it states that the Council will be flexible in the implementation of residential parking standards. Residential developments of 80 or more houses will require a Transport Assessment, and the Council will require Travel Plans in accordance with the requirements of the Leicestershire Highways Design Guide.

Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS11 indicates that new developments should be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with infrastructure providers, grant funders and other delivery agencies to ensure that development provides the necessary

infrastructure, services and facilities to meet the needs of the community and mitigates any adverse impacts of development.

Policy CS12 – Planning Obligations and Developer Contributions.

Policy CS12 states 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 towards their provision (and in some cases maintenance). Planning obligations and developer contributions will be guided by the Council's latest Planning Obligations and Developer Contributions SPD and other evidence of need.

Any requests for contributions must be assessed by the Council under the requirements of Community Infrastructure Levy Regulations 2010. Section 122 of the Regulations set out in statute 3 tests against which requests for funding under a section 106 agreement has to be measured. These tests are that 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.

Policy CS14 – Green Infrastructure

Policy CS14 states that Blaby District Council and its partners will seek to protect existing, and provide new, 'networks of multi-functional green spaces'. The proposed development provides traffic free green infrastructure corridors and other area of natural green space and informal open space.

Policy CS15 – Open space, sport and recreation

Policy CS15 seeks to ensure that residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The policy sets standards for the provision of open space, sport and recreation per 1000 population, along with desirable access standards in distance or time. These standards will be used to ensure that development proposals provide sufficient accessible open space, sport and recreation, taking into account any local deficiencies. It states that new on-site provision or financial contributions to improve the quality of, or access to, existing open space, will be expected and commuted maintenance sums will be sought. The policy also seeks to protect areas of existing open space from development, unless certain criteria are met.

The policy has now been superseded by Updated Policy CS15 in the Blaby Delivery DPD.

Policy CS18 – Countryside

Policy CS18 states that within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It states that planning permission will, however, be granted for limited small scale employment and leisure development (including dwellings essential for these needs) subject to

consideration of its impacts. The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.

Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 seeks to safeguard and enhance sites of ecological and geological importance of national, regional and local level significance. The policy also states that the Council will seek to maintain and extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. The policy also seeks to protect those species which do not receive statutory protection but have been identified as requiring conservation action. Development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. The policy also states that the Council will seek to ensure that opportunities to build in biodiversity or geological features are included as part of the design of development proposals.

Policy CS20 - Historic Environment and Culture

Policy CS20 states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through protecting and enhancing heritage assets and their settings and expects new development to make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. It states that the Council will contribute to achieving national targets to reduce greenhouse gas emissions by:

- a) Focusing new development in the most sustainable locations;
- b) Seeking site layout and sustainable design principles which reduce energy demand and increase efficiency;
- c) Encourage the use of renewable, low carbon and decentralised energy.

The policy also states that the Council will ensure that all development minimises vulnerability and provides resilience to climate change and flooding.

Policy CS22 – Flood Risk Management

Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change by:

- a) Directing development to locations at the lowest risk of flooding;
- b) Using Sustainable Drainage Systems to ensure that flood risk is not increased on site elsewhere;
- c) Managing surface water run off to minimise the net increase in surface water discharged into the public sewer system;
- d) Closely consulting the Environment Agency in the management of flood risk.

Policy CS23 – Waste

Policy CS23 states that new developments should, inter alia, seek to encourage waste minimisation, ensure flexibility in design to allow for new technological developments, ensure waste collection is considered in the design, and promote the use of site waste management plans.

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals, the District Council always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

Officers have worked proactively with the applicant to ensure that the development is as far as possible to be in accordance with adopted policies and thus the development is in accordance with Policy CS24.

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

The Delivery DPD also forms part of the Adopted Development Plan for Blaby District. The following policies are the most relevant to the proposed development.

Updated Policy CS15 – Open space, sport and recreation

This supersedes the Core Strategy Policy CS15 and seeks to ensure that residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The policy has been updated as the Council commissioned an updated assessment of open space, sport and recreation facilities in the District (Open Space Audit 2015). The information gained was used to review the locally derived standards, contained in Policy CS15, to ensure that existing and future communities have access to sufficient open space, sport and recreation facilities. The standards for the provision of open space per 1000 population have therefore been updated accordingly. There are no specific standards for the provision of outdoor sports space but the Open Space Audit gives guidance on where there are quantity and quality deficiencies.

Policy DM2 – Development within Countryside

Policy DM2 states that in areas designated as Countryside on the Policies Map, development proposals consistent with Core Strategy Policy CS18 will be supported where specific criteria are met:

- a) The development is in keeping with the appearance and character of the existing landscape, development form and buildings;
- b) The development provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers;
- c) The development will not undermine the vitality and viability of existing town, district and local centres.

Policy DM4 – Connection to Digital Infrastructure

Policy DM4 states that all new build major residential and commercial development should be served by fast, affordable and reliable broadband connection in line with the latest Government target. It states that developers will liaise with broadband infrastructure providers to ensure that a suitable connection is made. The wording of the policy was amended following public examination to state that new development should be served by this type of infrastructure rather than specifically requiring it. This was considered necessary to introduce flexibility into the policy given that delivery of a broadband connection would likely be reliant on a third-party contractor over which a developer is unlikely to have any control.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision within housing development which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport. It states that all new development will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

DM11 - Accessible and Adaptable Homes

Policy DM11 requires development proposals for housing of 20 dwellings or more to meet the Building Regulations Standard M4(2) for 5% of the dwelling unless there are site specific factors which make the site less suitable for M4(2) compliance dwellings, and/or where the applicant can demonstrate that the use of this Building Regulation Standard is not viable through an independent viability assessment to be submitted with the application.

Amendments were made to the policy during public examination which changed the threshold for the application of the policy from 10 dwellings to 20 dwellings, and inserted criteria into the policy to ensure that there is sufficient flexibility in applying the policy requirement to take account of circumstances where it can be demonstrated that it would not be viable.

Policy DM12 - Designated and Non-Designated Heritage Assets

Policy DM12 states that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. The policy states that designated heritage assets and their settings will be given the highest level of protection to ensure that they are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Where substantial harm is identified, proposals will only be supported in exceptional circumstances in accordance with national planning guidance. Where a less than substantial level of harm is identified, the scale of harm will be weighed against the public benefits of the proposal.

Policy DM13 – Land Contamination and Pollution

Policy DM13 seeks to ensure that development proposals are not affected by, or cause, land contamination or pollution. Development proposals where land contamination may be an issue are required to clearly demonstrate that any unacceptable adverse impacts can be satisfactorily mitigated.

Policy DM15 - Minerals Safeguarding Areas

Policy DM15 states that Development proposals in areas identified for mineral safeguarding will need to ensure that mineral resources of national or local significance are not needlessly sterilised by non-mineral development. The policy approach is set out in the Minerals and Waste Local Plan.

Cosby Neighbourhood Plan (October 2023)

Neighbourhood Planning was introduced in the Localism Act 2011 as a community-led framework that empowers local communities in England to shape the development and growth of their area. Section 38(3)(c) of the Planning and Compulsory Purchase Act 2004 states that Neighbourhood Plans form part of the statutory Development Plan and have the same legal status of the Local Plan. The Cosby Neighbourhood Plan therefore forms part of the Development Plan and is relevant to the determination of the application.

The Cosby Neighbourhood Plan was adopted more recently than the Local Plan, thus should carry greater weight in the planning balance, particularly with regard to existing non-strategic policies in the local plan covering the neighbourhood area.

Paragraph 13 of the NPPF however is clear that Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

Given the Cosby Neighbourhood Plan has been more recently adopted and is less than five years old, the weight given to the non-strategic policies should be afforded greater weight. However, having considered the fact that the plan does not contain policies and allocations to meet its identified housing requirement, the weight that can be given to the provision and location of housing is reduced in this instance.

Policy CNDP3 - Design Principles

Policy CNDP3 states that all new development will be expected to respond positively to the key attributes of the neighbourhood area and the key local design features of Cosby village. Development will not be supported where it is of poor design that has an adverse impact on the character of the area. Development should seek to meet, or exceed, prevailing sustainable construction standards as set out in Building Regulations.

Policy CNDP7 - Access to the Countryside

Policy CNDP7 states that new development should promote access to the countryside through protection and enhancement of the existing Public Rights of Way (PROW) network and provide and enhancement links to the to the existing footpath, bridleway, and cycleway network, where considered necessary and relevant.

Policy CNDP8 - Access and Road Safety

Policy CNDP8 states that new development that includes new access points and/or road infrastructure should seek to incorporate accessible, traffic-free routes for pedestrians, people with disabilities, people with pushchairs, cyclists and, where appropriate, equestrians. Improvements to public transport infrastructure should also be included, where necessary. Such development should set out how the design includes and, where possible, enhances access to the village centre, community facilities, local green open spaces, sport and recreation facilities and the nearby countryside for such users.

Leicestershire Minerals Development Framework Core Strategy DPD:

Policy DC8: Safeguarding Mineral Resources:

Indicates that planning permission will not be granted for development within a Mineral Safeguarding Area that is incompatible with safeguarding the mineral unless:

- The mineral is no longer of any value.
- The mineral can be extracted satisfactorily prior to development.
- The development is of a temporary nature.
- There is an overriding need for the development.
- It constitutes exempt development.

Leicestershire Highways Design Guide

The Design Guide sets out the County Council's principles and policies for highways Development Management. The guidance is intended to be used in the design development layouts to ensure they provide safe and free movement for all road users.

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (February 2010)

This Supplementary Planning Document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to new development. It sets out

when Blaby District Council will request contributions, whether for the District Council or on behalf of another service provider, and how the payments will be collected, distributed and monitored.

Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (July 2013)

This Supplementary Planning Document contains additional detail and guidance on how Blaby District Council will interpret and apply specific policies contained in the Local Plan and will be a material consideration in the determination of planning applications. The objectives of the SPD are:

- 1) To provide guidance regarding the interpretation of policies CS7 and CS8 of the Blaby District Local Plan (Core Strategy);
- 2) To address local imbalances in both the market and affordable housing stock; and
- 3) To optimise the provision of affordable housing to meet identified needs.

Blaby Landscape and Settlement Character Assessment (January 2020)

Provides up-to-date landscape and settlement evidence to inform the emerging Blaby Local Plan and help guide development management decisions. The assessment states that *“understanding the character of a place is a key part of ensuring the protection and enhancement of built and natural environments, managing sustainable economic growth and improving the health and wellbeing of local communities”*.

Blaby District Council Open Space Audit (December 2015)

This assessment reviews the standards set out in Blaby District Council’s Policy CS15 for the open space, sport and recreation facilities requirements of local communities, covering quantity, quality and access. It carries out an audit of the district’s open space, sport and recreation facilities, including an assessment of the current quality of provision, identifying current surpluses or deficiencies.

Blaby Playing Pitch Strategy 2020

Provides a strategic framework for the maintenance and improvement of all formal outdoor playing pitches and accompanying ancillary facilities in the District up to 2037. The strategy has been developed in accordance with Sport England guidance and under the direction of a steering group led by the Council, Sport England and including National Governing Bodies of Sports. It provides planning guidance to assess development proposals and inform the protection and provision of outdoor sports facilities.

Blaby Residential Land Availability Report (March 2023)

Shows the progress that has been made towards meeting the District’s housing requirements that are set in the adopted Local Plan (Core Strategy) Development Plan Document (2013). The residential land availability position is monitored on an annual basis and this statement shows the latest published position as of 31st March 2023.

Joint Strategic Flood Risk Assessment Final Report (October 2014)

The purpose of this document is to provide information on the changes to planning, policy and guidance since the previous Strategic Flood Risk Assessment, provide a detailed assessment of any flood hazard within the Flood Zones, provide information on existing defences and flood risk management measures, allow a sequential approach to site allocation.

Blaby Strategic Housing and Economic Land Availability Assessment (SHELAA) 2019

Provides evidence on the potential supply of both housing and economic development land in the District of Blaby.

Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) 2022

Provides evidence regarding the overall need for housing, and type and mix of housing needed; together with an assessment of the quantity and type of employment land needed to inform local and strategic plans in Leicester and Leicestershire.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal. The following are material planning considerations in the determination of this planning application:

- The principle of the development and 5-year housing land supply position.
- Impact on the Countryside and landscape/visual impact
- Affordable housing and Housing Mix
- Design and Layout
- Transport and Highway Implications
- Residential Amenities
- Developer Contributions and infrastructure/facilities
- Open Space, Sports and Recreation
- Loss of Agricultural Land
- Minerals Deposit
- Archaeology and Historic Environment
- Flood Risk
- Environmental Implications
- Ecology and Biodiversity
- Arboricultural implications

The principle of the development and 5-year housing land supply position

Policies CS1 and CS5 of Blaby District Council Core Strategy seek to ensure housing needs are met in the most sustainable way through a principle of 'urban concentration'. New development should be primarily focused within and adjoining the Principal Urban

Area of Leicester (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe) however, provision is made for the development needs of settlements outside the PUA.

Between 2006 and 2029, the District of Blaby should provide a minimum of 8,740 houses. Of the 8,740, at least 5,750 houses should be within or adjoining the Leicester PUA, with at least 2,990 houses to be provided in areas outside the PUA (the 'non-PUA').

As of March 31st 2023 a total of 2,596 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 552 homes per annum to be delivered in the PUA until the end of the plan period (total 3,154). Forecast completions in the PUA to 2029 are around half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.

Outside of the PUA, Policy CS1 states development should be focused within and adjoining Blaby and the Larger Central Villages (ie, Enderby, Narborough, Whetstone and Countesthorpe), with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages where the scale of development should reflect the settlement's range of available services and facilities and public transport alternatives (Policy CS1).

Housing delivery in the non-PUA has exceeded the minimum housing requirement set out in the Plan. The Council's recently published Residential Land Availability (RLA) report indicates that as of the 31st March 2023 3,750 homes had been delivered in the non PUA. The plan indicates a minimum requirement in the non-PUA of 2,990 dwellings. The RLA indicates that around 300 further homes may be completed in the non-PUA before 2029. Although delivery is now slowing in the non-PUA (mainly as a result of a lack of available committed sites) opportunities to deliver housing development of a type and scale needed to facilitate an increase in delivery in the near term are greater in the non-PUA than the PUA mainly due to the constrained nature and large scale of the sites being promoted for development in the PUA.

Policy CS5 identifies Cosby as one of the Medium Central Villages in the District (along with the settlements of Littlethorpe, Huncote, Croft and Sapcote). The Medium Central Villages have a combined housing requirement of at least 815 houses between 2006 and 2029. It should be noted that this number is not described as a cap, or a target. Against this target some 1139 houses have been built or committed (31st March 2023) within the Medium Central Villages, resulting in the minimum requirement being met and exceeded by 324 dwellings.

It is recognised that releasing this site would result in the minimum requirement for the Medium Central Villages in Policy CS5 being further exceeded. Cosby has contributed 100 dwellings which have completed over the plan period to date, a further 8 homes are committed up to 2029. Within this context, the proposed development is considered to provide potential to deliver additional homes in the period up to 2029 and is not considered to significantly conflict with Policy CS5.

The proposed site is located outside the defined Settlement Boundary of Cosby on land designated as Countryside on the Blaby District Council Policies Map (2019). It is therefore contrary to the adopted Development Plan. There is however currently an under delivery of houses within the District which can only demonstrate a 3.69-year housing land supply, notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF. The housing supply policies of the Development Plan are therefore considered to be out of date, and the 'tilted balance' towards approval should be applied, with the application considered in terms of its accordance with NPPF paragraph 11d.

Paragraph 11 states that where Local Planning Authorities cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances footnote 8 of the Framework establishes that housing policies which are important for determining the application may be out-of-date.

Limb i) of NPPF paragraph 11d sets out that where the proposal conflicts with NPPF policies which protect areas or assets of particular importance, these can offer a clear reason to refuse an application. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets.

In this instance, the application site is not an area or asset of particular importance protected within the provisions of footnote 7, and therefore the NPPF's presumption in favour of sustainable development and the 'tilted balance' described in paragraph 11d(ii) applies. The shortfall in the supply of deliverable housing sites should therefore be weighed in the planning balance and means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits if planning permission is to be refused.

With regard to Policy CS1 and CS5 it is considered that the overarching need to deliver sufficient homes as set out in the NPPF should take precedence over the Council's policy to concentrate growth in the PUA, particularly given the Council's shortfall in its housing land supply position. In light of this shortfall and given the lack of deliverable sites within the PUA, it is considered necessary to provide additional housing in the near-term outside the PUA where this provision accords with the NPPF and relevant policies in the Plan. It is therefore considered that the provision of new homes does not significantly conflict with Policies CS1 and CS5, nevertheless it is considered that the weight assigned to Policies CS1 and CS5 with regard to the distribution of housing development throughout the District should be reduced reflecting the Council's lack of sufficient housing supply with respect to the 'tilted balance'.

Policy CS5 recognises that Cosby has some key services and facilities required to accommodate sustainable communities. It acknowledges the village has limited employment opportunities and an infrequent bus service to higher order centres. It indicated the potential for significant residential development in the long term, but the village does not have the level of services and facilities to deliver a significant number of houses. However, it does have a number of facilities that would be expected in a village of this type.

Whilst the limited provision of services and facilities to sustain a significant number of houses is acknowledged, it is noted that the village has the potential for such in the long term. The proposed development is adjacent to and would be integrated into the settlement of Cosby, with direct linkages into Cosby and to the B4114 leading between Hinckley and Leicester City and the Strategic Road Network (SRN) and with reasonable access to public transport. The site is also within reasonable walking distance of Cosby Primary School and facilities and services within Cosby. Furthermore, the proposed development would meaningfully contribute toward the shortfall of housing, including provision of affordable housing, whilst providing ecological enhancements and significant financial contributions towards the improvement of local facilities and infrastructure. It is therefore considered that releasing this site would not result in a material conflict with Policies and would contribute towards the Council's required 5-year supply of housing as set out in Government Guidance.

It is acknowledged that in situations where the presumption in favour of sustainable development and the 'tilted balance' apply as described at paragraph 11(d) of the NPPF, paragraph 14 of the NPPF states that applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits and should be given significant weight in the planning balance. Paragraph 14 however states that primacy of the Neighbourhood Plan only applies where:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement

Although the Neighbourhood Plan is less than five years old, it does not include any housing allocations to meet the identified housing requirement. Instead, it relies on sites allocated within the Local Plan to do this.

The NPPG states: Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework. Therefore whilst paragraph 14 of the NPPF is noted it is not considered to be relevant in regard to this proposal.

Impact on the countryside and landscape/visual impact

The application site is situated to the north of and outside the Settlement Boundary of Cosby, on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

Outside the confines of (or adjacent to) the PUA, Rural Centres, Medium Central Villages and Smaller Villages, in the case of the application site, land is designated as Countryside where Policies CS18 and DM2 apply.

Policy DM2 provides more specific policy guidance for development that is appropriate in the Countryside, consistent with Policy CS18. Policy DM2 permits only certain

categories of residential development in the Countryside, including those dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment, and leisure, or other similar uses appropriate to a rural area and replacement or the change of use, adoption and extension of existing dwellings.

In addition to policies within the Local Plan, Paragraph 84 of the NPPF sets a presumption against isolated homes in the countryside and recognises the intrinsic value of the countryside, it also sets out circumstances where isolated housing may be acceptable in the countryside and this policy is material to the consideration of the proposal. These circumstances include.

- provision of essential worker dwellings (Paragraph 84(a));
- the reuse of existing redundant or disused buildings where there would be enhancements to the immediate setting (Paragraph 84(c)) and
- the development would involve the subdivision of an existing residential building (84(d)).

The site does not fall under any of the categories identified in Policy DM2 and is contrary to both policies CS18 and DM2. The purpose of these policies is to protect the open and generally undeveloped nature of the countryside. Neither does it fit with any of the specified development types appropriate to countryside location in the NPPF, however it is considered that the site is not isolated being contiguous and well related to other development in Cosby.

As noted previously the policies set out in the Local Plan and the NPPF should be applied flexibly in the context of the 'tilted balance' given the identified land supply position and given that new housing sites to meet the lack of supply will in most instances need to be outside of existing settlement boundaries within the Countryside.

However, broadly it is considered that policies CS18 and DM2 are consistent with paragraph 180(b) of the NPPF which provides that Planning policies and decisions should contribute to and enhance the natural and local environment by "recognising the intrinsic character and beauty of the countryside". As such any conflict with CS18 and DM2 does carry some weight as both policies are considered to remain broadly consistent with the NPPF.

However, the extent to which proposals conflict with these policies needs to be considered having regard to the extent to which "*proposals have significantl adverse effect on the appearance or character of the landscape*" (CS18 para 2) and the extent to which "*the need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations*", (CS18 para 4) as well as the extent to which the development is in conformity of the General Criteria A-C of Policy DM2. These criteria require that development is in keeping with the appearance and character of the existing landscape, development form and buildings, the development provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, and the development will not undermine the vitality and viability of existing town, district, and local centres.

Cosby Neighbourhood Plan

Policy CNDP3 (Design Principles) predominantly sets the required design criteria for development in relation to the street layouts, blocks, plot arrangement, building forms, scale, materials, and detailing, and requires all new development to respond positively to the key attributes of the neighbourhood area and the key local design features of Cosby village. The suitability of the design and layout of the proposed development is discussed in detail further on in the report.

Significantly however, Policy CNDP3 includes a requirement for large scale development to respect local distinctiveness, landform, the landscape setting. As with policies CS18 and DM2 it is considered that Policy CNDP3 is consistent with paragraph 180(b) of the NPPF and having regard to the age of Cosby Neighbourhood Plan it is considered the policy should carry significant weight.

Consideration therefore needs to be firstly given to the extent of the harm that this proposal would cause to the character of the landscape in this defined Countryside area.

Landscape Character Assessment

Blaby District Landscape Character Assessment examines both the landscape character of the district and individual settlement characters. The application site falls within two Landscape Character Areas (LCA).

The eastern parcel of the site falls within the Blaby, Countesthorpe and Whetstone Fringe LCA which is characterised as consisting of rolling farmland with a small to medium scale field pattern bounded by well-maintained tall hedgerows, which often screen development outside the character area. Woodland strips give the area a perceived wooded character which play an important role in screening existing development. However, the landscape is heavily influenced by urbanising features such as a highly developed road network, golf courses and playing fields.

The study concludes with landscape guidelines for future development within this LCA which for this area include the need to protect the character of the open and undeveloped nature of the land within the area. This is important to maintain the distinctiveness between the villages and also to distinguish this part of Blaby District from the suburbs of Leicester to the North.

Future development should also conserve and enhance woodland cover, and restore and improve existing trees, woodland and hedgerow conditions, which assist in softening the urban edges and filter views of infrastructure development whilst strengthening rural character. Development should also seek to enhance connectivity between woodlands.

The western parcel of the site lies within the Cosby Agricultural Parkland LCA which is a mixed agricultural landscape situated to the west and southwest of Cosby with little urban influence although it is in close proximity to a number of villages. The LCA is characterised by individual mature trees which give the landscape a distinctive estate parkland character. The landform rises gently to a prominent ridge to the south

of Croft Road. From here the area falls gently away to the south and southwest from the ridgeline. Fields vary in size and are mostly rectilinear with a uniform pattern and well-maintained hedges. Blocks of woodland are prominent features of the landscape in the north of the LCA due to their location on elevated ground.

The landscape guidelines for future development in this character area include protecting the strong linear woodland fringe along the edge of Cosby to maintain the rural character of the area and existing blocks of woodland on prominent grounds. Furthermore, the guidance seeks to ensure that new development is not visually prominent in the landscape through sympathetic design to reflect the country house estates of farmsteads and housing throughout the character area.

The enhancement and preservation of and connectivity of woodlands and the preservation and management of hedgerows at similar heights and widths are also encouraged.

The Blaby District Landscape Character Assessment also examines the character of the Cosby settlement and recognises the importance of the stream along Main Street as a significant green corridor through the village which provides a strong village character. It recommends that these features, along with the gateways into the village, are protected. It also states that expansion to the west of the stream would need to respect the strong linear feature and ensure that the village still appears as a small cluster of development and not become any more prominent in the wider landscape than it is at present.

Whilst the application site is positioned outside of the defined village settlement it would be bounded by development on its southeastern and southern edges. Regard has also been given to the proximity of the proposed development to adjoining built form, the generous provision of open space and soft landscaping (at the site edges both to the open countryside to the north and to the east along the boundary with Victory Park) and the integration of the development into the pedestrian network.

It is considered that the application site would not unduly project beyond the existing built form of the established settlement to the south side of Croft Road and would not be wholly out of keeping with the westward projection of the section of the village to the north, on the opposite side of Victory Park. It is therefore considered that the development site itself would not represent an incongruous and random extension into the countryside.

The indicative plan shows that the considerable ratio of open space to development area which would allow the creation of an attractive development with extensive public open space. This could not only link successfully with the existing recreation ground and provide green corridors through the development but could also allow the most visually prominent edges of the development to be set back and surrounded by landscaping to soften the edges of the development which would reduce and screen the development and its visual impact and protect the urban fringe. The retention of a number of the established hedgerows around the edge and within the development would allow the development to, as far as reasonably possible, respect the gateways into the village and avoid an unduly detrimental impact on the wider rural landscape and the environment.

The development would be sited on land which is raised when viewed from the north and the development would be visible from Victory Park as well as a number of vistas through the landscape screening along the south side of Narborough Road across the park. These views would not be overly intrusive and would be screened by the landscaping around the park and across the triangular area of open space proposed. It is not considered that the impact in this respect would be sufficiently detrimental to the character of the area so as to warrant the refusal of the application.

It is acknowledged that the shape of the site would provide an undeveloped space between the application site and the existing dwellings off Prior Williams Close to the south. Whilst this is not desirable it is not considered to make the proposed development unacceptable in principle as this land is not subject to an application at this stage and falls outside the application site.

Whilst the application site is located on land defined as countryside, it is considered that it does have a functional purpose preventing the coalescence of settlements and is not therefore considered not to be strategically significant in this regard. Nevertheless, it is considered the site is well screened, and integrated into the existing settlement and retains a rural edge.

Given the above it is considered that the location of the site, its relationship to the existing Cosby built form and the size of the site allowing for extensive landscaped edges would ensure that a development could take place on the site without causing undue harm to the landscape character of the surrounding area or the character of the Cosby Settlement itself.

Although it is acknowledged that residential development in the form proposed would be contrary to Core Strategy Policy CS18 of the Core Strategy (2013) Policy DM2 of the Local Plan (2019) and Policy CNDP3 of the Cosby Neighbourhood Plan 2021 it is considered that these policies have reduced weight and that the proposed development would not cause undue harm to the landscape character of the surrounding area or the character of the Cosby Settlement itself. The proposed development should therefore be considered in the context of paragraph 11d of the NPPF and the housing supply figures and whether any adverse impacts caused by the proposal significantly and demonstrably outweigh its benefits.

Affordable housing and housing mix

Policies CS7, CS8 and DM11 seek to ensure that new housing developments provide the appropriate quantity and mix of housing for the District's current and future needs, including provision of affordable housing and accessible and adaptable homes.

It is considered that policies CS7, CS8 and DM11 are broadly consistent with the NPPF paragraph 63 and can therefore be given full weight.

Whilst the application is in Outline form only, the submitted application form and accompanying Design and Access Statement refer to the suggested housing mix which is proposed to comprise a mix of 16 No. 1 bedroom dwellings, 84 No. 2 bedroom

dwellings (including 20 bungalows), 82 No. 3 bedroom dwellings and 18 No. 4+ bedroom dwellings.

Policy CS7 seeks to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. The most up to date information on affordable housing need is set out in the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) 2022. This shows a marked increase in need for affordable housing and this is a material consideration which should be considered in the planning balance.

The June 2022 HENA shows that a total of 536 affordable houses per year (including 341 per year as social and affordable rented and 195 as affordable home ownership) are required to meet the District Council's affordable housing need. It is unlikely that this level of delivery will be viable or deliverable but it highlights the growing need for affordable housing in the district.

The provision of 50 affordable homes, a level which is policy compliant, to be secured via a legal agreement and condition, significantly weighs in favour of the development.

Blaby District Council's Housing Strategy Officers are therefore supportive of the proposal subject to an appropriate mix of market and affordable housing to ensure a mixed, sustainable and integrated community, via a suitability worded condition to be included in any future Reserved Matters application. Accordingly, the proposal generally conforms with Policies CS7, CS8 and DM11.

Design and Layout

Policies CS2, DM2 and CNDP3 seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character, and ensuring that design contributes towards improving the character and quality of an area and the way it functions. Policies CS2, DM2 and CNDP3 further seeks to create places of high architectural and urban design quality to provide a better quality of life for the district's local community.

It is considered that policy Policies CS2, DM2 and CNDP3 are consistent with the NPPF paragraph 131 and can therefore be given full weight.

The application site is located at the edge of the village of Cosby, which has an urban fringe and semi-rural character. Existing properties within the area are predominantly traditional red brick, partially rendered pre-war dwellings of varied scales and design which are arranged in a linear pattern fronting the highway with generous rear gardens.

The indicative scheme also provides generous provision of green space throughout the development and along the most visible edges of the scheme to soften the visual impact of the development and enable the retention of the rural aesthetic of the area and mirror the internal green spaces through the village itself.

It is also considered that views would not be overly intrusive and would be screened by the landscaping around the park and across the triangular area of open space

proposed and as such it is not considered that the impact in this respect would be sufficiently detrimental to the character of the area to warrant the refusal of the application on this basis.

The indicative masterplan shows how the proposed development provides a defined street hierarchy with defined perimeter blocks fronting onto a tree lined central avenue and secondary and tertiary streets set within clearly defined character areas, with an extensive network of pedestrian routes and connections to the wider village provided integrating the development into the settlement of Cosby.

It is considered that that given the scale of the site and indicative layout shown on the submitted masterplan, there is sufficient space to provide an attractive, relatively spacious development which could be designed to minimise the visual impact on the existing environment, whilst also retaining the character of the village and ensuring the protection of the amenities of future and adjoining residents.

Whilst design details will be submitted and considered as part of any future detailed Reserved Matters application, having regard to the submitted details, it is considered that the development would respect the traditional and semi-rural character and appearance of the area in terms of its layout and design and provision of green space, whilst ensuring the development is well integrated into the existing settlement. As such it is considered that the proposed development complies with the NPPF, National Design Guide and Policies CS2, DM2 and CNDP3.

Transport and Highway Implications

Policy CS10 seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby including those arising from growth and to make services accessible to all, including locating new development so that people can access services and facilities without reliance on private motor vehicles and to ensure that appropriate measures are taken to mitigate the transport impacts of new development.

Policy DM8 seeks to provide a consistent approach to local car parking standards and highway design. It goes on to state that the Leicestershire Highways Design Guide sets out, amongst other things, standards and policies for parking and highway design that will need to be considered for all new development.

Policy CNDP3 states that all development will be expected not have a severe cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure; and include measures that seek to improve pedestrian and cycling facilities and linkages within the neighbourhood area and to other areas, wherever possible. Furthermore, Policy CNDP3 requires development to include car parking and vehicle charging points to meet County adopted standards.

Policy CNPD8 states that new development that includes new access points and/or road infrastructure should seek to incorporate accessible, traffic-free routes for pedestrians, people with disabilities, people with pushchairs, cyclists and, where appropriate, equestrians. Improvements to public transport infrastructure should also be included, where necessary. Such development should set out how the design

includes and, where possible, enhance access to the village centre, community facilities, local green open spaces, sport and recreation facilities and the nearby countryside for such users.

The needs of any non-motorised vehicle users (as described in the paragraph above) must be considered in all traffic planning, but especially in relation to rural lanes and roads. Hazards arising from an increase in vehicle numbers where agricultural buildings are being converted to residential or commercial use will need to be taken into consideration. Measures to be taken to ensure this may include, for example, separation of pedestrians /cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction.

Site Access

Although the application is in outline form, access to the site is a matter for consideration at this stage.

The application site is proposed to be accessed from a single access off Croft Road which is an adopted C-Classified Road subject to a 30 MPH speed limit and 7.5 tonne weight restriction. Immediately west of the site frontage Croft Road is subject to the National Speed Limit (60 MPH).

The proposed development is to be accessed via a 6.75-metre-wide simple priority junction off Croft Road. The Local Highway Authority (LHA) has assessed the proposed access provision, which has undergone a Highway Impact Assessment, Junction Capacity Assessment and Swept Path Analysis and have determined that it is a safe and suitable access for the proposed development and is in accordance with the geometry requirements for a 'Major Residential Access Road' as required for no more than 400 dwellings for a single point of access. The LHA are satisfied that adequate visibility is achievable from the site to the east and west along Croft Road and have raised no highway safety concerns.

A 2-metre-wide footway is also proposed to extend to the east of the site access proposal to tie into the existing footway on Prior William Close which the LHA welcome and which would enable a safe pedestrian connection from the site to the wider village to the west. The footpath is proposed to be secured by an appropriately worded condition. An uncontrolled pedestrian crossing is proposed across the site access in order to assist with onward pedestrian connectivity.

Traffic calming measures are proposed, including the introduction of speed cushions along Croft Road, one to the west, with an additional three to be located to the east leading into Cosby. The precise location and spacing of the traffic calming measures will be determined through the detailed design technical approval stage.

The existing 30 MPH speed limit is proposed to be relocated approximately 100m further to the west as indicated on the submitted revised site access drawing. This will necessitate the relocation and extension of existing street lighting. Other measures include the provision of teeth markings, and speed limit markings and improved welcome signs situated to the west of the site entrance. The LHA have stated that they would not implement a Traffic Regulation Order (TRO) at this location.

Further discussion with the Local Highway Authority is ongoing with regards to how the traffic calming and speed limit change would be secured and Members will be updated further at the Committee meeting.

Junction Capacity Assessments

Junction capacity modelling has been undertaken by the applicant to assess the wider capacity impacts arising from the development, including the Coventry Road(B4114)/Croft Road and Croft Road/Park Road junctions. The LHA are satisfied that the assessments and methodology and survey are robust and have concluded that they are content that the site access will operate within capacity, and that the anticipated impact of the development on the nearby Croft Road/Park Road and Coventry Road B4114/Croft Road junctions are not severe in accordance with the National Planning Policy Framework.

Clarification was sought regarding the capacity at the Narborough Road/Coventry Road/ Park Road mini roundabout and the Broughton Road/Coventry Road junction. The LHA consider that the Highway Impact Assessment submitted by the applicant demonstrates that these junctions do not require further investigation given the number of development trips anticipated to route towards Park Road north towards this junction does not exceed 30 trips within the busiest hours (AM or PM peak hour) and as such does not meet the threshold for further junction modelling/mitigation.

It is noted that in the previous submission at the development site in 2016 (16/0369/OUT) the LHA requested a number of additional improvements and contributions, namely improvements to the B4114, and public transport improvements including a bus stop, TPO and a raised kerb. The LHA confirmed that the applicant's submitted and agreed Highway Impact Assessment demonstrates that the impact from anticipated development traffic on the B4114 Coventry Road/Croft Road junction is not severe in accordance with the NPPF on the basis this junction is forecast to operate below the practical limit of capacity. Existing bus stop provision is considered acceptable, and PROW improvements for sustainable travel enhancement are requested as detailed below and within the LHA's formal consultation response.

Internal Layout

As the application is in outline, with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA at this stage.

However, the Transport Assessment (TA) suggests that the internal road network would be put forward for adoption. The LHA advises that the proposed internal roads and parking are required to be designed in accordance with the Leicestershire Highways Design Guide when a future Reserved Matters application is submitted subject to receiving appropriate planning permission for the current application.

Transport Sustainability and Public Rights of Way

A Public Right of Way (PROW) W40, passes through the site in a north to south direction. The alignment of the PROW is not proposed to alter as a result of the proposed development. In addition to the pedestrian footpath leading to Prior Williams Close, from the main site access, two pedestrian accesses are provided to the east of the site, leading to Lady Leys and Victory Park and Narborough Road and Park Road beyond.

The nearest bus stops are located on Park Road within 800m of the site with a service to Leicester every 30mins at peak times.

The LHA consider that in order to help achieve modal split targets, increase onward pedestrian connectivity from the proposed development and to promote sustainable travel modes in accordance with the NPPF, a suitably worded condition to secure improvements (such as hard surfacing) to PROW W40 from the proposed development to Park Road is required. The condition also seeks to secure the details of PROW management within the application boundary.

The LHA have reviewed the submitted Travel Plan (TP) and can confirm that the principal measures and targets within the TP are considered acceptable by the LHA.

The LHA requests contributions to secure the following:

- Travel Packs – to inform new residents from first occupation what sustainable travel choices are available in the surrounding area;
- Six-month bus passes – to encourage new residents to use bus services and to establish changes in travel behaviour from first occupation;
- A Travel Plan monitoring fee of £6,000 for LCC's Travel Plan Monitoring System.

The Local Highway Authority has concluded that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Residential Amenities

Policy DM2 seeks to ensure that development consistent with Policy CS18 provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity. Policy CNPD3 requires development (inter alia) to not have a detrimental effect on the amenity of existing or future occupiers in neighbouring property.

Given the application seeks Outline planning permission including means of access with all other matters reserved, it is not possible to fully determine the degree of impact

upon the amenities of future occupiers of this adjoining housing site, without final details of layout, scale and appearance which will be fully assessed at the detailed Reserved Matters stage.

The indicative layout of the proposed development however shows that the suitable orientation of dwellings is achievable which would help to limit its impact upon neighbouring properties at the adjoining residential development along Lady Leys, White Barn Drive, Prior William Close, and Croft Road. It is also considered that suitable separation distances are achievable between the proposal and adjoining dwellings to ensure the protection of the amenities of existing residents and future occupiers of the site are minimised.

It is acknowledged that there is likely to be the impact arising from vehicular activity as a result of both traffic movements and associated headlights from vehicles leaving the development, particularly at the access which exits opposite numbers 82 and 84 Croft Road.

No. 82 Croft Road is situated some 30m to the southeast of the proposed access with a double garage situated within its frontage. Number 84 is sited approximately 24m from the junction to the south and has a well landscaped frontage including a large mature tree. It is considered that the orientation of the buildings, the intervening separation distances, buildings and landscaping would serve to mitigate the impacts.

The presence of a property opposite a junction or at the apex of a bend in a busy road is not unusual. Whilst this would be a substantial new development accessed off a single access point it is not considered that there are any unusual circumstances (such as levels differences) which would exacerbate the impact to a degree that would warrant the refusal of the application on residential amenity grounds.

Croft Road is already a highly trafficked road and it is not considered that the projected increase in traffic created by development would have any unacceptably adverse impacts in terms of noise and vibration.

The application is therefore considered to comply with Core Strategy Policy CS2 and Policy CNDP3 in so far as the design principles can be assessed at this outline stage.

Developer contributions and infrastructure/ facilities

Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Guidance (2010). This document sets the threshold for provision of such contributions as housing developments of more than 10 dwellings.

A request for funding towards education, library services, and civic amenity and waste facilities was received from Leicestershire County Council.

Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB) has also requested financial contributions towards improvements to Health Care facilities at

The Limes Medical Centre, Narborough and the Orchard Medical Practice, Broughton Astley.

Leicestershire County Council as the Local Highways Authority have also requested financial contributions towards travel packs, bus passes and travel plan provision and monitoring.

Leicestershire Police have also requested financial contributions to mitigate the additional impacts arising this development.

Based on the above and in accordance with the requirements of Regulation 22 of the CIL Regulations we are seeking contributions for the following;

- i) 25% Provision of Affordable Housing
- ii) Primary Education
- iii) Secondary Education (11-16)
- iv) SEND Education
- v) Early Years Education
- vi) Library facilities
- vii) Civic amenity and waste facilities
- viii) Health care facilities
- ix) Contributions or provision of open space provision/enhancement
- x) Allotments contribution (subject to identified need)
- xi) Cemeteries contribution (subject to identified need)
- xii) Off-site sports facilities contribution
- xiii) Contributions towards, travel packs, bus pass and travel plan provision and monitoring
- xiv) S106 Monitoring contributions – District and County Councils
- xv) Police (subject to identified need)

Open Space, sport and recreation

Policy CS14 seeks to ensure that the District's natural environment, wildlife, habitats, landscape and geology are considered and protected through good design practices, seeking to protect existing green spaces and provide new good quality, multi-functioning green networks and corridors. Policy CS15 and Policy CNDP7 indicates that Blaby District Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, and sport and recreation facilities, access to the Countryside and links to the to the existing footpath, bridleway, and cycleway network.

Contributions for open space provision or improvements within the parish will be sought in line with the provisions of Policy CS15 and the Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance, February 2010.

The submitted plans show the provision of approximately 4.11 Ha of open space within the site, including the provision of parks, natural and informal green space, children's play areas and blue infrastructure, and ecological enhancements with financial contributions provided towards allotments, churchyards and cemetery space (subject

to identified need) within the Parish and sports facilities both with Cosby and Blaby East. An additional area of informal green space and ecological enhancement is proposed to be incorporated into the development to the east of site between the application site and Victory Park. This is subject to a separate application 24/0074/FUL, and its own management regime. The provision of open space and ecological enhancements provided within this area of land are over and above the policy requirements for the development under consideration, and consequently carry limited weight in the determination of the application.

The proposed development provides opportunities to enhance the W40 footpath dissecting the site which is proposed to form a focal point to the development whilst continuing to provide access through the site to the countryside beyond. A number of pedestrian routes through the site are proposed, including linkage to the existing footpath and cycle network. Finer detailed design parameters for this will be secured via condition at Reserved Matters stage. Accordingly, it is considered that the development accords with policies CS14 and CS15 and CNDP7.

Loss of Agricultural Land

Paragraph 112 of the NPPF and government guidance expects local planning authorities and developers to protect the best agricultural land, recognising importance of soil as and natural capital asset and take into account the economic and other benefits of the best and most versatile agricultural land.

Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Agricultural land is graded into 5 categories ranging from grade 1 (excellent quality agricultural land) to grade 5 (very poor quality). Grades 1,2 and 3a (grade 3 is subdivided in to two grades) is the land which is defined as the best and most versatile.

In order to ensure this land is protected where necessary planning authorities are required to consult Natural England on applications which would result in the loss of 20ha or more of such land. Below this threshold it is for the planning authority to decide how significant the agricultural land issues are.

The application included an Agricultural Use and Quality Survey which found that most of the land within the development site was classified as grade 2 agricultural quality (7.2ha) with the remainder being grade 3a quality (1.8ha).

The Local Authority is required to consider the significance of the loss of the land and its wider economic implications. Given that the initial consultation of Natural England starts at 20ha it is considered that this is an initial indication of what is meant by a significant loss of agricultural land. The application scheme proposes the removal approximately 9.7ha of land from the agricultural category with 6.7 ha being given over to physical development. Whilst the loss of a portion of the best and most versatile agricultural land is undesirable it is not considered that a reduction of 9.7ha (6.7ha developed) from the total stock would have wide ranging economic implications for the area and there is no evidence to suggest that it would unduly impact on the viability of

the occupying farm business. The loss of this high-grade agricultural land is nonetheless an important consideration in respect of this proposal.

Minerals Deposits

The application site lies within a Mineral Consultation Area as it has been identified as having the potential to contain workable sand and gravel resources which the development could sterilise. It was also deemed possible that the site could contain workable deposits of sand and gravel within the land adjacent to the site which could also be sterilised. The need to safeguard such valuable mineral resources is recognised by the NPPF which requires local authorities to establish these safeguarding areas.

The application was supported by a Mineral Assessment Report to consider whether the mineral resources could constitute a mineral reserve which may need to be extracted in advance of future development. The assessment indicated that sand and gravel deposits were likely to exist on the site, however these would not be of 'strategic importance or demonstrable economic value, and any such extraction ancillary to the proposed development would cause, "unacceptable harm to the environment or communities".

The County Council's Planning, Minerals and Waste Team has considered the report and found the findings reasonable. Consequently no objections to the development have been raised and the proposal is considered to comply with Policy MDC 8 and MDC9 of the Leicestershire Minerals Development Framework Core Strategy.

Archaeology and historic environment

Policies CS20 of the Core Strategy (2013), DM12 of the Blaby District Council Local Plan (2019) and CNDP1 of the Cosby Neighbourhood Plans seeks to preserve and enhance the cultural heritage of the District and Parish and recognises the need for the Council to take a positive approach to the conservation of heritage assets. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

The application site lies approximately 350m from the historic core of the village which contains the conservation area and the majority of the listed buildings. It is considered that the application site is screened from these historic assets by existing development and open space and as such is unlikely to have an impact on the significance of designated heritage assets (listed buildings and the Conservation Area) within the village of Cosby.

The increase in additional traffic generated by the development through the surrounding busy road network is also not considered sufficient to warrant the refusal of the application on the grounds of its impact on the heritage assets.

Two non-designated heritage assets, including Cosby Spinneys on Croft Road and White Barn Farm on Narborough Road are considered to be sensitive receptors to the proposed development, by virtue of the proposal lying within the wider setting of these farmsteads. Blaby District Council's Conservation Officer concluded, however, that

given the limited direct visibility between the site of Cosby Spinneys and the application site there would be no physical impact on the non-designated heritage asset, but in addition there is unlikely to be any harm to its setting (which contributes towards its significance) by virtue of intervening distances and features.

Having regard to White Barn Farm, the Conservation Officer considered that the level of significance is lower than that of Cosby Spinneys due to the assessment around its historic and architectural interest, as well as the limited contribution that the application site makes towards its setting. It was therefore concluded that there will be no harm in a heritage sense, towards the low level of significance identified at White Barn Farm.

The application was submitted with an Archaeological Desk Based Assessment in which Leicestershire County Council's Archaeology Department, found that there was potential for significant archaeological remains within the application area, relating to the Bronze Age, Iron Age, Roman and early Anglo-Saxon periods.

During the course of the application, the site boundary altered to include an area of land to the north to enable the provision of ecological enhancement and SuDs. Given this change Leicestershire County Council's Archaeology Department requested additional further archaeological investigations to be undertaken in the form of an Archaeological Field Evaluation to assess the potential heritage value of the area.

The evaluation and Leicestershire County Council's Archaeology Department noted that the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application.

While the results of the Evaluation were sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.

NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

Leicestershire County Council's Archaeology therefore recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. prior to commencement of development.

The application is therefore considered to comply with Policy CS20 of the 2013 Core Strategy and Policy DM12 of the Local Plan Document (2019) and CNDP1 of the Cosby Neighbourhood Plan.

Flood risk and drainage

Policy CS22 of the Core Strategy and the NPPF direct development away from areas at highest risk of flooding. The site is entirely within Flood Zone 1, being at low risk of fluvial flooding. The application was submitted with a Flood Risk Assessment and Surface Water Drainage Strategy.

Policy CDNP3 states All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate. All schemes for the inclusions of SuDS should demonstrate they have considered all four aspects of good SuDS design, quantity, quality, amenity and biodiversity, and the SuDS and development will fit into the existing landscape. The completed SuDS schemes should be accompanied by a maintenance schedule detailing maintenance boundaries, responsible parties and arrangements to ensure that the SuDS are maintained in perpetuity. Where possible, all non-major development should look to incorporate these same SuDS principles into their designs. Poor design when assessed against the above criteria, will not be supported.

Leicestershire County Council as the Lead Local Flood Authority notes that the 10.5 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. The total impermeable area of the site is 3.61 ha. The proposals seek to discharge surface water via pervious paving in car parking areas, swales and three attenuation basins to the watercourse to the east of the site.

The Lead Local Flood Authority concluded that they were satisfied that the site could be suitably drained, subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme prior to commencement and further ground investigation to inform this. These conditions will be attached to any approval.

In conclusion, it is considered that the proposed development offers the potential for a good quality surface water drainage scheme to be developed which is based on sustainable principles. It is therefore considered that the proposal would comply with Policy CS22 of the Adopted Core Strategy 2013 and Policy CDNP3 of the Cosby Neighbourhood Plan 2023.

Environmental Implications

Blaby District Council's Environmental Services Team have raised no objections to respect of the application, with regard to drainage, land contamination and impact of construction phase.

Blaby District Council's Environmental Services Team are satisfied with regards to land contamination at the site, subject to a Desktop Study and Intrusive Investigation to be submitted with any Reserved Matters.

Measures to control any dust and particulates and surface water arising during the construction phase will be outlined and assessed as part of the required Construction Management Plan to be submitted with any Reserved Matters.

Ecology and Biodiversity

The application site is made up of agricultural fields with established natural boundaries which provide habitats for a number of species, including badgers. The application will result in the loss of an element of this natural landscaping. The indicative plan shows that site is sufficient to provide significant landscaping throughout the scheme with most important natural landscape features within the development retained to provide attractive natural breaks within and adjacent to the development itself.

The indicative plans and submitted ecology appraisals and Biodiversity Net Gain (BNG) calculations, shows that, despite the application being submitted prior to the introduction of mandatory BNG, the site is capable of providing sufficient landscaping and protections throughout the development which will offer the chance to offset the loss of any existing natural landscape, and ensure suitable protections and mitigation for existing flora and fauna, whilst ensuring a measurable net gain in biodiversity value of some 39.79% with respect to habits and 21.49% with respect to hedgerows within the site boundary.

Concern was raised over the impact of the development on an identified badger sett located at the edge of the site. Leicestershire County have requested the submission of an Ecological Constraints and Opportunities Plan (ECOP) informed by an updated badger survey to fully inform the design of the proposal at Reversed Matters stage in relation to the provision of adequate mitigation for badgers.

Given the development is in outline form at this stage, the detailed design of the proposed development, including its landscaping and biodiversity net gain, will be submitted as part of the Reserved Matters application, concerns in relation to the siting and form of appropriate mitigation will be addressed following the production of an ECOP and once the final layout of the built development is known. Further details requested include the provision and long-term management of the Ecological, Arboricultural and Biodiversity aspects of the development of the site as well as how these matters will be dealt with throughout the construction phase.

The indicative scheme does however indicate that the elements requested in the County Ecologist's comments can be adequately incorporated into the detailed design. The applicant has been made aware of these comments and has confirmed that they will be considered in any detailed design proposal. Accordingly, and subject to the imposition of suitable conditions, it is considered that the development could accord with Policy CS19.

Arboricultural implications

Leicestershire County Council Forestry have not raised any objections on arboricultural grounds, subject to the submission via condition of a Tree Protection Plan and detailed landscape scheme for the site and landscape maintenance plan.

Conclusion and Planning Balance

In conclusion, when determining planning applications, the District Planning Authority must determine applications in accordance with the Development Plan unless material considerations indicate otherwise.

As set in the report above, it is acknowledged can only demonstrate a 3.69-year housing land supply which is significantly lower than the requirement set out in government guidance. The NPPF, which is a material consideration in decision making requires, that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites cannot be identified then the provisions of paragraph 11 of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and any harm arising from the proposal must be weighed against the benefits.

This report has fully considered the application against local and national policy and guidance and against all relevant material considerations as set out above.

The provision of up to 200 houses and the associated social, economic and environmental benefits, including significant provision of affordable housing, improvements to local infrastructure and facilities, and the enhancement and provision of open space and biodiversity are identified benefits of the development. A clear benefit of the proposal which weighs significantly in favour of the proposal is its contribution towards local housing land supply including within the next 5 years.

Furthermore, the proposal would provide a policy compliant level of affordable homes. Significant weight is attributed to the delivery of 50 affordable homes given the identified affordable housing needs within the district as outlined in the Housing and Economic Needs Assessment (HENA) published in 2022.

The site will likely build out over a number of years and will provide a temporary boost to the local economy during site build out. Post development residents will contribute to the wider local economy and will help support local shops and services. Reflecting on the scale of proposals a moderate beneficial economic impact is considered likely.

In addition, the site is not considered to unduly impact on the character and appearance of the area, the amenities of neighbouring properties, heritage assets and the environment.

There are no technical constraints relating to highways, heritage or flooding that cannot be mitigated. Biodiversity impact/ mitigation/ net gain and appropriate landscaping can be secured by way of planning condition, reserved matters and S.106

legal agreement. The Minerals Planning Authority do not object to the proposal despite the site being in a minerals safeguarding area.

It is acknowledged that there would be an adverse impact on the character and appearance of the countryside and therefore conflict with Policies in the Development Plan including CS18, DM2 and CNDP3. However, the weight that can be attributed to these policies is reduced due to the Council's lack of 5-year housing land supply. Moreover, it is considered having regard to the nature of the scheme that this impact would be of moderate significance. The conflict with these policies is partly mitigated by the generous provision of open space which would allow the creation of an attractive scheme which complements the character of the area, the amenities of neighbouring properties and would facilitate a layout which respects the entrances into the village. Furthermore, this scheme is considered to be a logical extension to Cosby. As part of the landscaping scheme, the applicant is seeking to deliver a biodiversity net gain on site, and this is considered to provide a minor benefit to which limited weight is attached.

The County Council's Highways Department have considered the supporting access information in detail and have concluded that the provision of an access in the location proposed would be acceptable in principle subject to a package of mitigation measures to be secured through the S106. They further consider that the development would not unduly impact on the wider highway network. The delivery of measures to address local highways issues is considered to be beneficial and of minor significance.

Furthermore, it is acknowledged that the proposal would result in the loss of Best and Most Versatile (BMV) agricultural land which is considered to carry moderate weight in the planning balance, however given the area lost is not strategically significant it is considered that the loss of BMV land would not outweigh the benefits of the proposed development in this instance.

In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing housing development in this location. The benefits relate to the contribution of the proposal to the Council's housing land supply, affordable housing provision, economic benefits during the construction phase and to the local economy through household spending, improvements to local infrastructure and provision of onsite open space and biodiversity enhancements. Whilst the development would have an adverse impact on the character and appearance of the countryside and result in the loss of Best and Most Versatile agricultural land, and would conflict with a number of policies in the Local Plan, namely CS18, DM2 and CNDP3, in the context of the 'titled balance', the provision of housing (along with the other benefits referred to) are considered to outweigh this conflict.

The application is therefore on balance, recommended for approval subject to appropriate conditions being attached and contributions being secured to support local infrastructure as part of S.106 Legal Agreement as set out in the report above.

24/0351/VAR

**Registered Date
26 April 2024**

Euro Property Investments Limited

**Application to vary conditions 2, 10, 11, 13, 14, 17 & 26 and
remove condition 8 of planning application 23/0234/FUL.**

**Land To The West Of Autoglass Ltd, Meridian North,
Braunstone Town,**

**Report Author: Ed Stacey, Major Schemes Officer
Contact Details: Council Offices. 0116 272 7675**

RECOMMENDATION:

**THAT APPLICATION 24/0351/VAR BE APPROVED SUBJECT TO THE
IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Time limit – to match the time left on the original permission.
2. Approved plans.
3. Materials as specified.
4. Landscaping to be carried out in accordance with approved plan and retained/replaced as necessary.
5. The surface water drainage scheme to be carried out as approved under 24/0492/DOC.
6. The construction phase surface water management scheme to be carried out as approved under 24/0492/DOC.
7. The long-term maintenance of the surface water drainage system to be carried out as approved under 24/0492/DOC.
8. Archaeological trial trenching in accordance with the Written Scheme of Investigation approved under 24/0189/DOC.
9. Boundary fencing and gate to be carried out in accordance with the submitted details.
10. Bin store to be carried out in accordance with the submitted details.
11. The Construction Method Statement to be carried out as approved under 24/0492/DOC.
12. The cycle storage to be carried out in accordance with the submitted details.
13. New access to be constructed in accordance with approved plans prior to first occupation/use of the building.
14. Provision of pedestrian visibility splays prior to first occupation/use of the building.
15. Provision of vehicular visibility splays prior to first occupation/use of the building.
16. Off street car and HGV parking and associated turning facilities as shown on the approved plans to be provided prior to first use and thereafter retained.
17. No internal mezzanine or provision of first floor over the warehouse.
18. No outdoor working/fabrication/manufacturing.
19. Any external storage of goods, equipment or materials to be agreed.
20. No external plant or machinery etc to be installed without planning permission.
21. Any CCTV provision to be agreed and subsequently implemented.
22. Lighting scheme prepared by suitable ecologist to be agreed prior to first installation.

23. Details of a Reasonable Avoidance Measure Method Statement and Ecological Clerk of Work to oversee vegetation removal in relation to protected species to be secured.
24. No removal of vegetation during bird breeding season and checks for birds during removal.
25. Landscape Ecological Management Plan to be agreed prior to commencement then implemented prior to first occupation and monitored in accordance with approved details.
26. The unit shall be restricted to uses and activities falling within Classes E(g) ii and Classes E(g) iii, B2 and B8 with ancillary offices only.

NOTES TO COMMITTEE

Relevant Planning Policy and Legislation

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS2 – Design of new development
Policy CS10 – Transport Infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS19 – Bio-diversity and geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate change
Policy CS22 – Flood risk management
Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development within the Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards

National Planning Policy Framework (NPPF)

Draft NPPF 2024 (out for consultation)

National Planning Practice Guidance (NPPG)

Other Supporting Documents

Blaby Landscape and Settlement Character Assessment (2020)

Blaby District Council Supplementary Planning Document “Planning Obligations and Developer Contributions” (2010)

Consultation Summary

Blaby District Council, Environmental Health – No objections.

Braunstone Town Council – No comments received.

Leicestershire County Council, Ecology – No objections subject to the imposition of a condition.

Leicestershire County Council, Highways – No objections.

Leicestershire County Council, Lead Local Flood Authority – No objections.

Third Party Representations

No comments received.

Relevant Planning History

85/0827/1/PY	Groundworks (cut & Fill) preparatory to construction of Building	Approved 08/08/1985
86/0639/1/PX	Erection of offices & warehouses	Approved 23.07.1986
86/1561/1/PX	Proposed erection of warehouse with ancillary offices	Approved 18.12.1986
87/0501/1/PY	Erection of chain link security fence (2 meters high)	Approved 30.04.1987
87/1479/1/PY	Erection of two flag poles	Approved 29.10.1987
09/0016/1/PX	Proposed conveyor belt bridge	Approved 02.04.2009
23/0234/FUL	Erection of Use Class B2/B8/Class E unit with associated access and parking	Approved 01.12.2023
24/0189/DOC	Discharge of condition 9 of application 23/0234/FUL regarding submission of written scheme of investigation	Approved 10.05.2024
24/0492/DOC	Discharge of Condition 5 (Surface Water Drainage Scheme), Condition 6 (Management of surface water during construction), Condition 7 (Long-term maintenance of surface water drainage system) and Condition 12 (Construction Method Statement) attached to planning permission 23/0234/FUL	Approved 20.08.2024
24/0639/DOC	Discharge of Condition 24 (Risk Avoidance Method Statement, RAMMS) attached to planning permission 23/0234/FUL	Under consideration

EXPLANATORY NOTE

The Site

The application site forms part of the curtilage of an existing industrial unit but is currently an undeveloped parcel of land measuring approximately 0.56 ha located within the Meridian Business Park set to the south of Watergate Lane, east of the M1 and to the northwest of Meridian North. Meridian Business Park is designated as a Key Employment Site as shown on the Blaby District Local Plan Proposals Map (2019) and is also located within the Principal Urban Area.

Whereas the majority of the site is currently laid to grass, part of the site forms a disused overspill car park connected to the host industrial unit to the east of the site. The remainder of the site is open space characterised by strips of woodland within and around the site including a tree line to the rear of the site screening a wire mesh fence along Watergate Lane with further soft landscaping along the boundaries to neighbouring industrial units.

The area surrounding the site is characterised by industrial units of varying sizes interspersed by parking, grass verges and soft landscaping. The design of neighbouring units varies though largely feature grey cladding common to industrial units.

The Proposal

The development that was previously approved under application reference 23/0234/FUL (“the Original Permission”) was the proposed erection of a single industrial/warehouse unit (with ancillary office space). The unit is designed to be flexible for use for either storage and distribution (Class B8), general industry (Class B2), research and development (Class E(g) ii) or any industrial process suitable in a residential area (Class E(g) iii). 27 conditions were applied to that permission.

This application, submitted using Section 73 of the Town and County Planning Act 1990 (“the Planning Act”), effectively discharges several of those conditions and where necessary updates approved and secured documents and plans: specifically, conditions 2 (approved plans), 10 (details of boundary fencing and gates), 11 (details of bin store), 13 (cycle parking), 14 (access arrangements), 17 (car and HGV parking and turning facilities) and 26 (Landscape Ecological Management Plan). The application also seeks to remove condition 8 (finished floor levels) as it would not be possible to comply with wording of the condition exactly. As a result, the numbering of the recommended conditions at the start of this report differs slightly from the Original Permission.

If approved, this application will create a new permission for the site that exists along with the previous permission. In such a scenario, a developer can choose either of the two permissions to build, providing the necessary conditions have been discharged.

Planning Considerations

The Planning Act states that on applications under Section 73 the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

National Planning Policy Framework

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The government is currently consulting on their proposed approach to revising the NPPF. This is a material consideration but as a draft document where consultation is ongoing it should only be afforded limited weight.

Development Plan

Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

The following policies of the Core Strategy are relevant to the proposed development:

Policy CS2 – Design of New Development

Policy CS2 seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and the design of new development should also be appropriate to its context.

The building has been designed to reflect a high quality industrial use and is consistent with the appearance of neighbouring industrial units. As such it is considered that the scheme accords with Policy CS2.

Policy CS10 – Transport infrastructure

Identifies a strategic aim to encourage and develop the use of more sustainable forms of transport including walking, cycling, other forms of non-motorised transport and public transport.

The site makes use of the existing bus route serving Meridian Business Park in addition to provision of cycle storage on site, reducing reliance on vehicular travel and therefore complies with the strategic aim of the policy.

Policy CS11 – Infrastructure, services and facilities to support growth

Seeks to ensure that all new development is supported by good access to infrastructure, services and facilities to support growth.

The site benefits from existing infrastructure links serving Meridian Business Park including connections to the M1 and M69. Additional infrastructure is not required to ensure the viability of the site and in addition to connection to bus routes and provision of cycle storage the proposal is considered to comply with the policy.

Policy CS19 – Bio-diversity and geo-diversity

The strategic objective is to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors. Appropriate buffering and mitigation measures should be put in place to avoid/reduce any adverse impacts resulting from the proposal.

The proposal has been designed to maintain the existing tree line to the rear of the site along Watergate Lane with additional planting as well as providing on site biodiversity enhancements. The original permission's preliminary ecological appraisal and the revised biodiversity metric states that the proposal would provide a biodiversity net gain, a finding accepted by County Ecology. It is considered that the application complies with this policy.

Policy CS20 – Historic environment and culture

Aims to improve the design quality of all new developments in the District in addition to preserving and enhancing the cultural heritage of the District, recognising its contribution to Local Distinctiveness and seeking design solutions which preserve and enhance heritage assets where they are impacted by development.

Policy CS21 – Climate change

States development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency.

The location of the application site within the Principal Urban Area is sustainable with the retention and provision of landscaping within the site and provision of alternative transport being considered to be sufficient to comply with this policy.

Policy CS22 – Flood Risk Management

The objective being to ensure all development minimises vulnerability and provides resilience to flooding.

The application site is entirely within Flood Zone 1, which has a low probability of flooding but is at high risk of surface water flooding. The proposed finished floor levels have been provided along with an amended flood risk assessment. The Lead Local Flood Authority are satisfied with this information and the application complies with this policy.

Policy CS24 - Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, including employment delivery - with the golden thread running through the decision making process being the presumption in favour of sustainable development.

The application site is located within the PUA and is well integrated into the local community and beyond. Furthermore, it is well served by the strategic road network and has provision for safe and sustainable transport modes. Therefore, the proposal complies with Policy CS24.

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

The adopted Delivery DPD (February 2019) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy and as such, the policies of the Delivery DPD should be given full statutory weight. The following policies are the most relevant to the proposed development:

Policy DM1 – Development within the Settlement Boundaries

Meridian Business Park sits within the settlement boundary of Braunstone Town where the principle of development is acceptable and will be supported, subject to certain criteria being satisfied. The proposals comply with these criteria and with this policy.

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking provision which complies with Leicestershire Local Highway Guidance in addition to promoting use of more sustainable forms of transport. The Highway Authority have no objections to the proposal subject to the imposition of planning conditions. Therefore, the proposal complies with the policy.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

In addition to the policy considerations set out above, there are a number of substantive material considerations that relate to the development of this site, which are:

- The design of the development
- Surface water management
- Highway and parking implications
- Ecological considerations
- Discharge of condition applications

The design of the development

The condition 8 of the Original Permission controls the finished floor levels of the proposed building and has implications for the design of the building insofar as its final height. This in turn has implications on the character and appearance of the area. Read strictly as worded, the condition requires the building's finished floor levels to be constructed 300mm above the highest point of the existing, sloping, application site. The applicant intends to adopt a typical cut and fill approach when creating a level plateau upon which to build. As a result, the finished floor level will sit in between the lowest and highest existing ground levels. The proposed final ridge height of the building will not be detrimental to the character and appearance of the area.

The fences and gates, the most potentially impactful elements of the submitted boundary treatments, are not significantly different to that submitted as part of the Original Permission. Retaining structure up to 1.5m in height along with armco barriers have been added to the north, east and south sides of the site. The submitted boundary treatments plan will present an industrial appearance in the Meridian North street-scene, but this will not be significantly harmful or contrary to the character and appearance of the area. The new boundary treatments will not be harmful to the character and appearance of the area when viewed from Watergate Lane and from

the public footpath and bridleway connecting Watergate Lane to Centurion Way.

The new bin store is reduced in size to that indicated in the Original Permission and is acceptable in design terms.

Overall, the material design considerations do not indicate that permission ought to be refused, providing amendments to conditions 2, 10 and 11 are made.

Surface water management

The application site is entirely within Flood Zone 1, which has a low probability of river flooding but is at high risk of surface water flooding. Condition 8 was applied to the Original Permission to ensure that the finished floor levels were set 300mm above the existing ground level as that was the maximum predicted surface water flood level in the lowest part of the application site. However, the applicant seeks to change the existing ground levels and in doing so would set the finished floor level above that point, but below the highest part of the site, technically in breach of the condition.

The proposed finished floor level, as demonstrated in the submitted external works layout plan (JDA/432/5/1 Revision F), will be 68.175, 905mm above the lowest and 1,325mm below the highest parts of the site's existing ground level. This is 205mm above the minimum recommended floor level of the Flood Risk Assessment. The Lead Local Flood Authority have not objected and so the proposals are acceptable in flood risk terms. The finished floor level is detailed on a plan that can be secured by amending condition 2 of the Original Permission meaning that condition 8 can be removed entirely.

None of the other amendments or details submitted as part of this application have significant, negative, impacts in respect of flood risk.

Overall, the material surface water management considerations do not indicate that permission ought to be refused, providing amendments to conditions 2 are made and that condition 8 is removed.

Highway and parking implications

The applicant has submitted details of cycle parking facilities in respect of condition 13 and has provided an amended site plan that is referenced in conditions 14 and 17 of the Original Permission.

Leicestershire County Council have confirmed that the cycle parking facilities, in respect of condition 13, are acceptable and that the access and parking arrangements secured by conditions 14 and 17 are not materially different from that approved in the Original Permission. As such, the submitted details are acceptable and the material highway and parking considerations do not indicate that permission ought to be refused providing conditions 2, 10, 13, 14, 17 of the Original Permission are amended.

Ecological considerations

The applicant's amendments include changes to the soft landscaping which have implications for the biodiversity calculations provided as part of the Original Permission. Leicestershire County Council Ecology have confirmed that the amendments and consequential updates to the biodiversity calculations are acceptable. The applicant will still need to provide details of a Landscape Ecological Management Plan in the future but would do so working from the revised information.

The material ecological considerations of the development do not indicate that permission ought to be refused providing conditions 2 and 26 of the Original Permission are amended.

Approved discharge of conditions applications

The applicant has also submitted several separate applications to discharge other conditions of the Original Permission, all but one of which has been approved. Consequently, conditions 5, 6, 7, 9 and 12 have been amended to reflect those approvals. Condition 24, relating to a Reasonable Avoidance Measure Method Statement, is still being considered by the District Planning Authority and an update will be provided at Planning Committee of its progress.

Overall Planning Balance and Conclusion

The applicant has provided a range of new and amended documents and drawings, all of which are acceptable in planning terms providing amendments are made to several conditions of the Original Permission and one condition is removed.

The proposed development is in conformity with the Development Plan. The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your Officers are of the view that the proposal is acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions.
