

DATE: 22 October 2024
MY REF: Planning Committee
YOUR REF:
CONTACT: Democratic Services
TEL NO: 0116 272 7638
EMAIL: committees@blaby.gov.uk

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, 31 OCTOBER 2024** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



Gemma Dennis
Corporate Services Group Manager and 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 3 October 2024 (enclosed).

- 4. Applications for Determination (Pages 11 - 112)

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, 3 OCTOBER 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:-

Jonathan Hodge	- Planning & Strategic Growth Group Manager
Kristy Ingles	- Development Services Manager
Stephen Dukes	- Development Services Team Leader
Helen Wallis	- Senior Planning Officer
Joel Archer	- Planning Technician
Rebecca Sells	- Legal Advisor
Katie Brooman	- Elections and Governance Manager
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

1. DISCLOSURES OF INTEREST

Cllr. Lee Breckon	- 22/1049/FUL, Land East Of Station Road, Glenfield
Nature of Interest	- Other Registerable Interest
Extent of Interest	- Cllr. Breckon is the Ward Councillor for Glenfield Faire. Cllr. Breckon has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.

Cllr. Roy Denney	- 22/1049/FUL, Land East Of Station Road, Glenfield
Nature of Interest	- Other Registerable Interest
Extent of Interest	- Application 22/1049/FUL is not in Cllr. Denney's ward but it is in his village. Cllr. Denney previously opposed the application on several grounds but the new proposition has addressed those issues. Cllr. Denney is also member of Glenfield Parish Council which has objected to this application, but was not party to the construction of that objection. Cllr. Denney has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.
Cllr. Helen Gambardella	- 22/1049/FUL, Land East Of Station Road, Glenfield
Nature of Interest	- Other Registerable Interest
Extent of Interest	- Cllr. Gambardella is the Ward Councillor for Glenfield Ellis. Cllr. Gambardella has arrived at the meeting with an open mind and will take part in the discussion and vote on the item.
Cllr. Ande Savage	- 24/0133/FUL, Land To South West Of Cork Lane, Glen Parva
Nature of Interest	- Other Registerable Interest
Extent of Interest	- Cllr. Savage lives in close proximity to the application site. Cllr. Savage will leave the meeting for the duration of the discussion and will not vote on this item.

2. **MINUTES**

The minutes of the meeting held on 5 September 2024 as circulated, were approved and signed as a correct record.

3. **APPLICATIONS FOR DETERMINATION**

Considered – Report of the Senior Planning Officer

22/1049/FUL

EMH Development Company Ltd

Erection of 2 no. dwellings (Use Class C3) with access from Station Road and on site parking, together with associated works including landscaping.

Land east of Station Road, Glenfield

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. Nick Chapman – Ward Member
- Tony Withers – Objector
- Richard Cooke – Agent

DECISION

THAT THE OFFICER RECOMMENDATION TO APPROVE APPLICATION 22/1049/FUL BE OVERTURNED AND THAT THE APPLICATION BE REFUSED FOR THE FOLLOWING REASON:

- The applicant has not demonstrated that there is no longer any potential for the continued use of the land for car parking and that the loss of parking will not aggravate an existing shortfall of spaces in the vicinity. The applicant has also not demonstrated that adequate and convenient replacement car parking spaces will be provided elsewhere in the vicinity. The proposal is therefore contrary to policy TN2 of the Glenfield Neighbourhood Plan (2023).

The Chairman adjourned the meeting at 5:43pm for Members to take a short comfort break.

The Chairman reconvened the meeting at 5:46pm.

Considered – Report of the Development Services Team Leader

24/0001/OUT

Davidsons Developments Limited, Leicester Diocesan Board

Outline planning application for the development of up to 205 dwellings (access only) with vehicular access point from Willoughby Road, with all other matters (relating to appearance, landscaping, scale and layout) reserved

Land East of Willoughby 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
- Gillian Postlethwaite – Objector
- Mick Gamble – Objector
- Carl Stott - Agent

DECISION

THAT APPLICATION 24/0001/OUT BE DEFERRED FOR THE FOLLOWING REASON:

- The Planning Committee is not satisfied with the density of development proposed and the implications for the character and appearance of the area. The application is deferred for negotiations to take place with the applicant seeking a reduction in the density of development. The Planning Committee wishes to request further information on drainage from Severn Trent Water and the applicant with particular regard to the capacity of the foul sewerage system in the locality.
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Considered – Report of the Development Services Team Leader

24/0117/VAR

Wexford Retail LP, A Crown Estate (TCE) Company

Variation of conditions 2 and 4 of planning permission 15/0577/FUL to facilitate the subdivision of the unit to create 2 no. separate retail units and associated external changes

Unit 3 Fosse Park West, Grove Way, Enderby

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:

- Craig Blatchford – Agent

DECISION

THAT APPLICATION 24/0117/VAR BE APPROVED SUBJECT TO THE IMPOSITION OF THE CONDITIONS SET OUT BELOW:

1. Approved plans condition (amended condition 2).
2. Main terrace limited to 8 units, only Units 3a and 3b permitted to be less than 393 sq m and only 4 units permitted to be less than 929 sq m (amended condition 4).
3. Units 1 and 2 shall not be amalgamated (formerly condition 5).
4. Limit of 5,997 sq m gross external ground floor area for main retail terrace (formerly condition 6).
5. Limit of 4,302 sq m for mezzanine floorspace in main retail terrace (formerly condition 7).
6. Units 1 and 2 limited to Class E(a) (formerly condition 8).
7. Units 13 to 18 limited to Class E(c) and limits on floor space for each unit (formerly condition 9).
8. Limit of 5,422 sq m for Unit 1 and limit of 3,537 sq m for ground floor area (formerly condition 10).
9. Limit of 6,689 sq m for Unit 2 and limit of 2,871 sq m for ground floor area (formerly condition 11).
10. No more than 5% of any unit in E(a) use to be used for the sale of ancillary food and drink for consumption off the premises (formerly condition 12).
11. Class E(c) floorspace to be used for no other purpose (formerly condition 13).
12. Vehicular gates, etc. to service yard to be hung so as not to open outwards. Other gates, etc. to be set back a minimum of 5 metres behind the highway boundary (formerly condition 18).
13. Minimum of 881 car parking spaces to be retained in perpetuity (formerly

- condition 19).
14. Landscaping scheme to be retained and any trees, etc. which die or are removed to be replaced within 5 years of original planting (formerly condition 21).
15. Lighting scheme to be retained in perpetuity (formerly condition 28).

**WITH THE ADDITIONAL REQUIREMENT FOR THE APPLICANT TO
ENTER INTO A DEED OF VARIATION TO THE SECTION 106
AGREEMENT ASSOCIATED WITH PLANNING PERMISSION 15/0577/FUL.**

The Chairman adjourned the meeting at 7.03pm for Members to take a short comfort break.

The Chairman reconvened the meeting at 7.08pm.

Cllr. Helen Gambardella left the meeting and did not return.

The Chairman informed Members that the Committee was approaching the 3 hour deadline and in accordance with Part 4, Section 1, Paragraph 9 of the Council's Constitution, Members were required to cast a vote if they wanted to continue the meeting.

Members voted and resolved to continue for the duration of the meeting.

Cllr. Ande Savage, having earlier declared an interest, left the meeting before this item was considered.

Considered – Report of the Senior Planning Officer

**24/0133/FUL
Glen Parva JV LLP
Full application for 26 dwellings with associated infrastructure.
Land To South West Of Cork Lane, Glen Parva**

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:

- Richard Woolley – Mr Woolley was unable to attend and his objection was read out to the Committee by a Council Officer on his behalf.
- Olivia Hewitt – Agent

DECISION

THAT APPLICATION 24/0133/FUL 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
- Post 16 Education
- Library Facilities
- Health Care Facilities
- Waste Facilities
- S106 Monitoring – District and County Councils
- Securing of off-site biodiversity units are per the Biodiversity Net Gain Report.

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

1. Statutory 3 year condition.
2. Development to be built in accordance with approved plans and documents.
3. Materials as per materials schedule and Materials Plan.
4. Finished Floor and Ground levels to be agreed.
5. Landscaping plan (soft and hard) to be submitted for approval in writing.
6. Landscaping plan to be carried out in accordance with the approved scheme.
7. Surface water drainage scheme and ongoing management plan to be submitted for approval.
8. Surface water strategy required to prevent water draining onto the highway.
9. Requirement to submit a Construction and Environmental Management Plan (CEMP) for approval prior to commencement of the development.
10. The development shall be carried out in accordance with the site contamination methods submitted under application 23/0094/DOC.
11. If contamination not previously identified is found then a remediation strategy is required.
12. Occupiers to be provided a pack regarding contamination, remediation and ongoing monitoring and related liabilities shall be provided to the occupier.
13. Piling Method statement required for Phase II.
14. The access arrangements shall be implemented before occupation of the site.
15. The internal layout (parking and turning) shall be implemented before occupation of the site.
16. The private access drives are to be provided prior to occupation of the

- dwelling.
17. Removal of Permitted Development Rights for fences, gates walls within 6 metres of the highway boundary.
 18. Removal of Permitted Development Rights for hard surfacing with 6 metres of the highway boundary
 19. Obscurely glazed windows to be installed in the side elevations of some plots.
 20. Removal of Permitted Development Rights for extensions or additions and addition buildings or any other development that requires below surface work or works that would impact on the landfill gas protection measures.
 21. Requirement to submit a Landscape and Ecological Management Plan (LEMP) prior to commencement of development.
 22. Requirement to submit a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) prior to commencement of development.
 23. Plots 2 and 3 shall be designed and completed as per the Building Regulations Standard M4(2).
 24. EV charging points to be installed on the side elevations.
 25. Air source heat pumps to be installed to the rear (or side) at ground level only.
 26. To adhere to the Air Quality Assessment during construction.
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Cllr. Ande Savage returned to the meeting before this item was considered.

Considered – Report of the Planning Technician

24/0693/FUL

**Installation of permanent edge protection, walkways and CAT ladders fitted to each of the three buildings up to and around roof level to allow maintenance when required.
Depot, Enderby Road, Whetstone**

DECISION

THAT APPLICATION 24/0693/FUL BE APPROVED SUBJECT TO THE CONDITIONS SET OUT BELOW:

1. 3 year time limit.
 2. Approved plans.
 3. Materials as per approved plans
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THE MEETING CONCLUDED AT 7.45 P.M.

Blaby District Council
Planning Committee

Date of Meeting **31 October 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 **22 October 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
	23/0968/OUT	13	Land East Of Lutterworth Road, Blaby	APPROVE
	24/0439/OUT	61	Land South of Little Glen Road, Glen Parva	APPROVE
	24/0746/FUL	102	Bouskell Park, Welford Road, Blaby	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:

[Search for Applications – Blaby District Council](#)

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

Stephen Dukes & Charlene Hurd
planning@blaby.gov.uk

Development Services Team Leaders
0116 272 7705

23/0968/OUT

**Registered Date
27 November 2023**

Davidsons Development Ltd

Residential development of up to 53 dwellings including associated vehicular access, affordable housing, landscaping and drainage infrastructure (all matters reserved except for access).

Land East of Lutterworth Road, Blaby

Report Author: Charlene Hurd, Development Services Team Leader

Contact Details: Council Offices. Tel: 0116 272 7705

RECOMMENDATION:

THAT APPLICATION 23/0968/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
- Post 16 education contribution
- Civic amenity and waste facilities contribution
- Library facilities contribution
- Health care facilities contribution
- On-site open space and future maintenance
- Off-site open space contributions (if necessary)
- Travel Packs
- Bus Passes
- Travel plan monitoring contribution
- Alterations to golf course (ball strike impacts)
- Off-site Biodiversity Net Gain provision and monitoring
- 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 masterplan.
5. Maximum number of dwellings not to exceed 53
6. Dwellings to not exceed two and a half storeys in height
7. Landscaping scheme to be submitted, agreed and adhered to.
8. Landscaping scheme to be implemented.
9. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.

10. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes
11. Details of all external materials to be agreed.
12. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
13. Written Scheme of Investigation (WSI) for Archaeology required and to take place.
14. Surface water drainage scheme to be submitted and agreed and implemented
15. Surface water drainage scheme for construction phase to be submitted and agreed and implemented
16. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
17. Infiltration testing to be carried out
18. Construction Environment Management Plan (CEMP) to be submitted and agreed and adhered to.
19. Access arrangements to be implemented in full.
20. Scheme of works for Public Right of Way to be submitted and agreed and adhered to.
21. Off-site works to be implemented in full (highways).
22. Removal of PD rights for gates, barriers, bollards, chains or other such obstructions to the vehicular access.
23. Construction Environmental Management Plan for Biodiversity to be submitted and agreed and adhered to.
24. 30 year Landscape and Ecological Management Plan (LEMP) to be submitted and agreed and adhered to (securing on-site Biodiversity Net Gain).
25. Biodiversity Enhancement Management Plan (BEMP) to be submitted and agreed and adhered to.
26. Badger pre-works walkover survey to be submitted and approved and any mitigation measures adhered to (if works do not commence within 12 months).
27. Tree Protection Plan including tree protection measures for hedgerows and trees during construction to be submitted, agreed and adhered to.
28. External lighting scheme to be submitted and agreed and adhered to.
29. Waste collection strategy to be submitted and agreed and adhered to.
30. Contamination Report recommendations to be carried out and adhered to.
31. Reporting of unexpected contamination

NOTES TO COMMITTEE

Relevant Planning Policies

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 (GI)
Policy CS15 – Open space, sport and recreation
Policy CS16 – Green Wedges
Policy CS19 – Bio-diversity 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 & Highway Design Standards
Policy DM11 – Accessible and Adaptable Homes
Policy DM12 – Designated and Non-designated Heritage Assets
DM13 – Land Contamination and Pollution

Blaby Neighbourhood Plan (2018)

Policy BNP1 – Character and Environment
Policy BNP2 – Green Wedges
Policy BNP6(b) – Reserve Site Allocations (S2)
Policy BNP8 – Design of new development
Policy BNP9 – Settlement boundary
Character Area F: The Green Wedge

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

Leicestershire Highways Design Guide

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (September 2024)

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

Blaby Landscape and Settlement Character Assessment (January 2020)

Blaby District Council Open Space Audit (December 2015)

Blaby Playing Pitch Strategy 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 Market Area Housing and Economic Land Availability Assessment (SHELAA) 2019

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

Consultation Summary

Blaby District Council, Environmental Services – Considered land contamination on the site in the case of Phase 1 and Phase 2 Appraisals along with the Gas Addendum Letter. No other information is required prior to determination for land contamination, however recommended conditions were suggested.

No comments were made in regard to flood risk.

It was noted from the submitted application form that foul water is proposed to be disposed of using mains sewer. The developer will have to meet the requirements of Severn Trent Water. Surface water is to be disposed of using SUDDs and anticipated that the LLFA will consider this aspect.

Expect that a Construction Environmental Management Plan (CEMP) is submitted addressing impacts from noise and vibration (including any piling), dust, other airborne emissions, and lighting.

As the site lies next to an operational golf course it was recommended that a ball strike risk assessment should be taken by a competent person to appropriate standards due to the potential risk of ball strikes to the development. This should be submitted prior to determination.

Upon review of the Golf Ball Strike information and letter, provided the following comment 'the letter appears to confirm that planning permission would be needed if the golf course was to rearrange the holes, and also clarifies why the existing netting was provided'. Considered that if there was a need for planning permission to alter the golf course then the scheme would be acceptable.

Blaby District Council, Housing Strategy– Provided comments in regard to policies CS7 and CS8. Noted 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. The Housing Strategy Policy Officer also referenced Blaby District Council's

adopted Housing Mix and Affordable Housing Supplementary Planning Document in their consultation response.

Blaby District Council, Neighbourhood Services – No response received.

Blaby Parish Council – *“Blaby Parish Council accepts that the proposed development occupies the reserve site S2 as specified in the Neighbourhood Plan and as such does not object to this plan. However we have a number of concerns and would welcome the opportunity to discuss these issues further:-*

- 1. During the current planning period Blaby has already well exceeded its housing allocation and so would question whether further housing is required at this time.*
- 2. We have concerns that there will be a loss of mature trees on the site and a nett loss of 1.45 biodiversity units which would need to be replaced somewhere.*
- 3. A major concern is that this development adjacent to the golf course opens up the potential for a larger scale development on that site. We feel very strongly that the golf course provides an important recreational facility and is a vital contributor to the green wedge. Any proposed development on this land would be strongly opposed by the Parish Council.*

During the planning process we would like to engage with the developer to understand the type of housing proposed and the layout of the site. We would also be keen to discuss what potential S106 monies might be available”.

Environment Agency – The Environment Agency will not be making any formal comment on the submission as the development falls within Flood Zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Leicestershire County Council, Archaeology – No objection to the planning application subject to the imposition of conditions.

Leicestershire County Council, Development Contributions– Requests contributions for the following:

Libraries - Blaby Library - £1600.48

Post 16 Education (Countesthorpe Academy) - £33,802.92

Waste (Whetstone HWRC) - £1265.11

Total Contribution request of £36,668.51.

Leicestershire County Council, Ecology – Did not consider that the information provided fully assessed the impacts on ecology on the site. Their comments are detailed below in the report.

Re-consultation response – 13.08.2024 -

The following amendments have been made to this application and reviewed on the planning portal:

- Tree retention and protection plan;

- Bat activity survey;
- Biodiversity Metric;
- Ecological and Arboricultural Review; and
- Reptile Survey

An update reptile survey was undertaken in 2024 with no reptiles identified and suitable precautionary methods of working recommended in 'part 5' of the reptile report. An update bat survey from June 2023 was also provided and precautionary methods of working have been recommended.

The BNG metric provided presents an improvement of the habitat loss to -18.35%. This presumably will be offset further by the offsite solution (as detailed within the previous correspondence from The Habitat Bank). The offsite section of the BNG metric should be completed to demonstrate net gain has been achieved.

Leicestershire County, Forestry – Recommended that a landscaping scheme was submitted as part of the application and that the trees to be retained on site were re-assessed along with their root protection areas.

Following the submissions of a revised tree protection plan and updated arboricultural report, there would appear to be no changes to the proposals and LCC Forestry were happy with the submitted information and proposed protection plan.

Leicestershire County Council, Highways – Following a re-consultation response LCC Highways did not consider that the development as proposed would cause impacts to highway safety that would be unacceptable. In regard to surface water drainage, the LHA was satisfied that the proposed development would still be acceptable in highway and transport terms in accordance with the advice contained within the previous highway observations.

LCC recommended the imposition of conditions and the following required contributions:

- Travel packs
- Bus passes

Leicestershire County Council, Local Lead Flood Authority (LLFA) – Considered that further consultation was required and that the application documents submitted was insufficient for the LLFA to provide a substantive response. LLFA consider that 'while the submitted proposals seek outline approval, a level of detail similar to that expected at full application has been submitted, including a detailed highway and housing layout, plot numbers and detailed drainage levels. This suggests that while outline application is sought, the submitted layout is likely to be treated as fixed by the applicant. Some of these details raise concerns'.

Re-consultation response - The proposals seek to discharge at 4.6 l/s via a detention basin to the on-site watercourse at the sites north-west corner.

Subsequent to the previous LLFA response the applicant has submitted a revised flood risk assessment and surface water drainage technical note. This includes an

overland flow routing plan and detention basin sections to assure concerns raised in the consultation about the partially raised detention basin.

The detention basin also now includes a permanently wet channel to increase water treatment benefits.

LLFA considered the application to be acceptable and that conditions should be attached to any planning permission.

Leicestershire Fire and Rescue Service – No response received.

Leicestershire Police – Noted that vehicular parking is in the curtilage to dwelling offering good observation, recommends that gable end windows are included to increase natural observation. Recommends that CCTV is considered after observation. Lighting through the site and key entry points, parking areas and walkways should be to BS5489 standard. Bin storage areas should as be considered. Also provides comments on foliage heights enabling clear line of visions. In addition, perimeter enclosure is recommended to a height of 1.8m to be in keeping, along with the retention of trees and hedgerows. Also provided recommendations on doors and windows and alarm systems.

NHS, Leicester, Leicestershire and Rutland Integrated Care Board – Requests a £41,043.20 contribution towards Healthcare facilities to meet the population increase.

Severn Trent Water – No response received.

Sport England – This application does not fall within their statutory remit.

Third Party Representations

34 Public comments were received, 1 supported the application and the other representations objected to the proposed development.

There were a number of key themes for objecting to the proposed development, which included: biodiversity, works to PROW, works to trees, impacts on services and facilities, loss of recreation (golf course), highways access and traffic concerns, loss of the Green Wedge, principle of development, noise and disturbance and rear access to nearby properties.

The comments are noted as follows:

Biodiversity

- Site is significant for wildlife (bats, foxes, newts, owls, hedgehogs, badgers and grass snakes)
- Comments on the ecological reports submitted and impacts upon wildlife
- The development will disturb wildlife habitat (flora and fauna) and biodiversity
- Wildlife will be destroyed

Works To PROW

- The pathway is used by those exercising and dog walking

- Lots of people uses the alley way to cut through to Countesthorpe (school children and dog walkers)
- the greenspace helps people
- Concerns about loss of the pathway through the housing estate,
- Cannot see why the footpath should be built on.

Works To Trees

- States that there are ash trees protected by a TPO that have not been accounted for.
- Notes that trees could be protected
- Notes the habitat of ash trees, rowan, birch and varied scrubland

Impacts On Services And Facilities

- The development has no amenities included
- These "piecemeal" developments add extra burden on local infrastructure, putting greater pressure on local services.
- Even a new local shop would help build a community
- Would like to see more investment into local infrastructure
- The development will put further pressure on schools, roads and NHS services
- Local services cannot meet the needs of housing
- What pressure will be placed on services such as doctors and dentists.
- Schools are overprescribed.
- The primary schools do not have spaces

Loss Of Recreation (Golf Course)

- It will impact on a local business and recreational facility (golf course), it will become an 8-hole course
- It will impact on employment at the golf course
- There will be no recreation for members of the community to enjoy
- Loss of golf recreation area
- Would mean that the golf course would have to be altered.
- Impacts on the loss of businesses from the site and loss of their community benefits.

Flooding

- Concerns regarding increased flooding
- Comments on the flooding of the footpath
- Comments made on the Flood Risk Assessment/Drainage Strategy used.
- The drainage system is not adequate

Highways Access and Traffic Concerns

- No development should occur until increased road capacity is available – to consider the cumulative effects of developments
- The development is not a bus route so will rely on cars
- Concerns about the road access.
- Lutterworth Road is a busy road
- Traffic parking from the rugby club can be dangerous and obstructive
- Is a road choke point at school and rush hours
- The access will be awful on match day

- Already suffer with traffic speeding on the Lutterworth Road and are concerned about the addition of other vehicles.
- Crowded roads during matches and 'Glastonblaby'
- The junction spacing and visibility splays may be inadequate
- Would like to see some additional road safety improvements around the vicinity of the access
- Would like to see some additional road safety improvements around the vicinity of the access
- Unacceptable modifications to Lutterworth Road calming measures
- Inadequate traffic analysis
- Extra traffic near to the nursery

Loss Of The Green Wedge

- Wants to keep the heritage and countryside
- Would undermine the Green Wedge and set a precedent for further encroachment
- Does not consider that the 3.69 year supply is significant to develop a protected Green Wedge site
- The development would be visible from Lutterworth Road and would alter the semi-rural character of the approach into Blaby village
- There will be no gap between Blaby and Whetstone or Countesthorpe

Principle Of Development

- Questions whether there would be economic benefits from the development (employment)
- Will make use of a disused and run down area
- Far too many houses have been built in Blaby
- Blaby has filled its quota for affordable housing
- Houses are struggling to sell at the minute
- Queries the next phase of development on the site, with a road leading onto other parts of the golf course
- Land seems too small for 53 dwellings
- The land should be changed back to allotments
- Considers that bringing the site forward is premature
- There is no designated housing need
- Shortfalls in housing can be addressed through windfall sites and more suitable sites
- The identified benefits do not outweigh the adverse impacts
- Over intensification of the site
- Encroachment on brown field land
- Blaby has exceeded its housing allocation and therefore this development is not required

Noise And Disturbance and Privacy

- Elevated noise from the housing development during construction and subsequent habitation.
- Elevated light pollution.
- Gardens were infested with rats and mice previously
- Asks whether any development would have windows overlooking their premises

- Will create disturbance and noise
- There will be light from houses and street lamps, which will have a negative impact on nearby properties

Rear Access To Nearby Properties.

- The residents of Lichfield Drive have access to the back of their property (unadopted road), which needs to be thought about.
- Will be dangerous for users of the track for Lichfield Drive
- Lack of privacy and security in the gardens for properties on Lichfield Drive
- Won't be able to get trailer out of garden

Heritage

- The site borders the Conservation area and could impact the setting of listed buildings
- Comments on the sites archaeological interest

Other

- There may be asbestos in the ground
- Misleading calculations about the sites open space
- Visual impact on the properties to the north of the development
- Lack of open space and play areas
- Potential for stray balls to the proposed development and public right of way

Relevant Planning History

08/0760/1/OX	Erection of 50 dwellings with associated public open space and vehicular access off Lutterworth Road (Outline)	Refused 05.12.2008
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EXPLANATORY NOTE

The Site

The site is located to the west of Lutterworth Road Blaby and to the west of Vipers Rugby Club. The site is located to the south of residential dwellings and their rear gardens of Lichfield Drive and is a former allotment garden. To the east of the site a residential development is located, which was granted permission March 2014. To the south of the south is an active golf course, of which this development will be sited on one of the tees.

The development area extends to some 2 hectares of a mix of the golf course and former allotment gardens, unused for some time. A public right of way (Z56) extends through the site from Lutterworth Road towards Winchester Road, between the edge of the former allotment site and the golf course.

Four trees with Tree Preservation Orders are noted within or close to the sites red line boundary, which include 2 trees and 2 groups, protected under Blaby District Council (Lutterworth Road, Blaby) Tree Preservation Order 1983.

The application site is located close to a play area, which is situated to the east of the site and was formed as part of the development off Barrowcliff Way.

The extent of the site is included within the Blaby Neighbourhood Plan as a reserved site (Reserve Site Allocations (S2)).

The surrounding golf course site has been submitted under an outline planning application for: 'Outline planning application for the redevelopment of the site for up to 200 residential dwellings including re-siting of existing retail/leisure/sui generis uses, demolition of existing buildings and creation of public open space, highways and drainage infrastructure (all matters reserved except for access)'. This will be determined at committee at a later date.

This development would be located on a former and now disused allotment and part of an existing and still running, established golf course. The development would result in the loss of one tee and the remainder of the golf course has the ability to continue to run on the remainder of the site. It is likely however that the golf course will look to alter the line of play/overall course to re-instate the first tee, this would be outside the applicant's control and outside the red line as shown on the location plan. It is clear that the former allotments are now underused land, although this could not be described as 'developed land' due to its former use and the lack of development on the site.

The Proposal

The application seeks outline planning permission for residential development comprising of up to 53 dwellings, with all matters reserved apart from the means of access. In terms of the amount of development, it is anticipated that circa 1.48 hectares of the site can be utilised to deliver new housing, with circa 0.547 hectares accommodating open space and surface water attenuation areas, amount to circa 75% and 25% respectively of the site's overall approximate 2.0 ha area. Although the final number of dwellings will be defined as part of a subsequent application for reserved matters consent, it is anticipated that up to 53 dwellings can be accommodated across the site, equating to a density of approximately 40 dwellings per hectare, which the applicant considers is appropriate for this edge of settlement location. In addition, the applicant considers that this is appropriate density as a result of plotting the smaller mix that has been requested by the housing officer.

The housing mix will be for determination at reserved matters stage, although the indicative masterplan is based on a mix of 1, 2, 3, and 4 bedroom houses, with 25% of the dwellings being affordable. The proposed dwellinghouses will be mainly two storey in height, with potentially higher storey dwellings with three floors being used to defy key vistas.

The vehicular access to the site will be from Lutterworth Road. The existing pedestrian access (PROW) will be retained through the site, which links Lutterworth Road at the west of the site to the east of the site.

Supporting Documents

As an application for outline planning permission, detailed layout plans, floor plans and elevations have not been submitted for consideration at this stage. Nevertheless, consideration is still required as to the principle and amount of development proposed. The key plans and documents are listed below which set out the development proposed:

Drawings:

- Masterplan
- Topographical Survey – Site Levels Plan – existing
- Proposed Means of Access
- Drainage Strategy Plan
- Site Location Plan
- Access Junction, Refuse Tracking

Reports:

- Planning Statement
- Landscape and Visual Impact Assessment
- Design and Access Statement
- Utilities Assessment
- Tree Survey
- Re-Audit Stage 1 – Road Safety Audit
- Transport Statement
- Land Contamination Assessment
- Extended Phase 1 Habitat Survey
- Habitat Plan Figure 3
- Review of Ecological and Arboricultural Reports
- Archaeological Desk Based Assessment
- Application Form
- Flood Risk Assessment
- Design and Access Statement
- Biodiversity Metric 4.0 Final
- Biodiversity Impact Assessment
- Amended Transport Assessment
- Addendum to the Road Safety Audit
- Ball Strike Survey
- Drainage Strategy Plan
- Storm Sewer Design by the Modified Rational Method
- Reptile Survey
- Bat Activity Survey
- Tree Retention Plan
- Drainage Technical Note

Planning Considerations

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 (NPPF) (2023)

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 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.

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

Most new development, including housing and employment, will take place within and adjoining the Principal Urban Area (PUA) of Leicester and encouragement will be given to the use of previously developed land and underused land and buildings. Outside the PUA, development is directed to a number of defined settlements and the scale of development depends on their position in the hierarchy. Blaby is located outside of the PUA.

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 contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

Although the planning application is an outline application, a masterplan is provided which provides an indicative layout and framework for the site and shows the location of the dwellings within the constraints of the site with the surface water attenuation pond located to the north of the proposed access off Lutterworth Road. The details and final layout of the proposed development will need to be addressed during the reserved matters application.

Policy CS5 – Housing Distribution

Policy CS5 states that in order to focus new development in the most appropriate locations, the Council will seek to distribute housing by settlement in accordance with the table included in the policy. Development will be focussed towards the PUA and within and adjoining Blaby (the Districts only settlement with a Town Centre). It gives a combined figure of 2,990 dwellings for the settlements outside the PUA.

In terms of completions and commitments, monitoring of the Core Strategy requirements shows the position at 1 April 2023 as follows:

Dwellings	Requirement	Total Completions & Commitments	Balance Required
Blaby Town	420	560	-140
Non-PUA	2,990	3750	-760
District	8,740	6346	2394

The table above shows that the minimum housing requirements set out in the Core Strategy for Blaby Town and the Non-PUA have already been exceeded by some margin. The Non-PUA as a whole the requirement has been exceeded by 760 dwellings. This monitoring data shows that there is no outstanding need for additional housing in Blaby at this time, however the District has a shortfall and currently can only demonstrate 3.69 5 Year Housing Land Supply at 1st April 2023, therefore there is an overall shortage. As development within and adjoining Blaby and located on a reserved site, is considered to be acceptable this site is considered to be an acceptable location in accordance with Policy CS5.

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 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. The Infrastructure Plan in Appendix D of the Core Strategy identifies strategic infrastructure to support the scale and distribution of development proposed in the Core Strategy. This identifies requirements for health, education and police infrastructure provision on a per dwelling basis where no capacity exists. In the case of this application, assessments have been undertaken by the relevant infrastructure providers which take into account existing provision and capacity and identify where investment in infrastructure is required to support a growth in population arising from the proposed development. This is discussed further in Policy CS12.

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 CS16 – Green Wedges

Policy CS16 states that Green Wedges are important strategic areas. They will be designated in order to:

- Prevent the merging of settlements;
- Guide development form;
- Provide a green lung into the urban areas; and
- Provide a recreation resource.

Green Wedges will be maintained in the following general locations:

b) Between Whetstone, Blaby and Countesthorpe;

The policy states that the need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations and detailed boundaries of the existing Green Wedges would be formally reviewed through the Allocations, Designations and Development Management DPD.

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 takes a positive approach to the conservation of heritage assets and the wider historic environment through a set of criteria which includes ensuring the protection and enhancement of heritage assets and their settings, securing the viable and sustainable future of heritage assets, and promoting heritage assets in the District as tourism opportunities where appropriate.

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 (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 in the Countryside

Development proposals that are consistent with Core Strategy Policy CS18 will be supported where various criteria are met, including whether it is in keeping with the appearance and character of the existing landscape, development form and buildings.

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 & 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.

Policy 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.

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 states that development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.

Blaby Neighbourhood Plan

Policy BNP1 – Character and Environment

All new development shall create a sense of place appropriate to its location (using the identified Character Areas Maps) by reflecting the principal characteristics of adjacent area(s) in regards to scale, layout and materials.

Policy BNP2 – Green Wedges

Two Green Wedges are designated as identified on Character Area F Map 8: 1. Between Blaby, Countesthorpe and Whetstone 2. Blaby and Glen Parva Development in the Green Wedges is restricted to that identified in Core Strategy Policy CS16, with the exception of the development of reserve sites in accordance with Policy BNP6.

Policy BNP6(b) – Reserve Site Allocations (S2)

Land adjacent to Lutterworth Road identified as (S2) on map 13 to be allocated as a 'reserve' site for approximately 51 dwellings which would be brought forward if needed to address the most up to date housing evidence. The site is to include a minimum of 25% affordable housing.

The Blaby Neighbourhood Examiners Report was reviewed in regard to the Reserve Site S2, where it is noted that the *'the site profile in the Site Selection Methodology Paper confirms that the derelict allotments are not used by the community and the corner of the golf course is overgrown and disused. It states that development of the site would not affect green space valued by the community. In these circumstances, it is clear that the site does not function as an existing open space, sport or recreation facility. As such, the allocation of the site as a reserve housing site would not undermine the objectives of Core Strategy Policy CS15'*

Policy BNP8 – Design of new development

New development within Blaby should incorporate design features which enhance and complement Blaby's important housing, commercial and historic character.

Policy BNP9: Settlement boundary

The location of future development will be focused within the identified settlement boundary (as shown on Map 14), whilst allowing for sustainable development within the Green Wedges and countryside. Such sustainable development to include the development of the reserve sites in accordance with Policy BNP6.

Character Area F: The Green Wedge

4.8.1 Blaby is separated from Whetstone by the Blaby bypass and the Green Wedge which runs alongside the bypass from Enderby Road to its end. The Green Wedge also extends to the north of Blaby where it provides an area of separation between Blaby and Glen Parva.

4.8.2 The Green Wedge includes Blaby parish allotments which are registered as an Asset of Community Value. It also includes the Vipers Rugby Club, a small holding / horse field, a garden centre, Westfield Play area, an area of well used informal open space and the Leicester Lions Rugby Club. The latter has recently been the site of a successful planning application for housing which eats into the Green Wedge. Also included in the Green Wedge is the Blaby Golf Centre. The Wedge to the north is partly flood plain and also fields. The Blaby Strategic Green Wedge Review 2009 identified the strip parallel to the Blaby Bypass between Blaby and Whetstone as “a particularly sensitive Green Wedge”

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (September 2024)

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.

Leicestershire Highways Design Guide (LHDG)

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. The LHDG deals with highways and transportation infrastructure for new developments in areas for which Leicestershire County Council is the highway authority.

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

This section considers the material planning considerations in further detail, and is divided into the following sections:

- Principle of the development
- Landscape and Visual Impact
- Affordable housing and housing mix
- Highways and Transport Considerations
- Flood Risk and Drainage
- Ecology and Biodiversity
- Heritage and Archaeology
- Open Space, Recreation and Sport
- Environmental Implications
- Construction Management
- Waste Management
- Sustainability and Climate Change
- Section 106 Agreement

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

Between 2006 and 2029, the District of Blaby is required to provide a minimum of 8,740 houses. Of the 8,740 houses, Policy CS1 states that 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, Core Strategy Policy CS1 states development will be focussed within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', as identified in the Housing Distribution Policy CS5. Outside the non-PUA, development should be focused within and adjoining Blaby and the Larger Central Villages (i.e., Enderby, Narborough, Whetstone and Countesthorpe), with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages.

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.

This Planning Committee has recently resolved to grant outline planning permission for two sites in the non-PUA, 23/1071/OUT – Land adjacent to Leicester Road and Foston Road, Countesthorpe (up to 170 dwellings) and 23/0182/OUT – Land off Croft Road, Cosby (up to 200 dwellings), subject to Section 106 agreements being completed.

Policies CS1 and CS5 identify Blaby as a settlement with a Town Centre (the only one in the District). Blaby has a minimum housing requirement of 420 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement, 560 houses had been completed and committed in Blaby as of 31 March 2023, resulting in the minimum requirement having been exceeded by 140 dwellings.

It is recognised that releasing this site would result in the minimum requirement for Blaby in Policy CS5 being further exceeded. However, given the shortfall in the PUA, the proposed development is considered to provide the potential to deliver additional homes in the period up to 2029.

The application site is located outside of the Settlement Boundary of Blaby on land designated as Green Wedge on the Blaby District Local Plan Policies Map (2019). The site is a reserved site for housing development as per the adopted Blaby Neighbourhood Plan and in this context (lack of five-year housing land supply) the development would be in accordance with the adopted Development Plan. There is currently an overall under delivery of houses within the District as a whole, with the Council only being able to demonstrate a 3.69-year housing land supply, notably less than the five-year supply requirement outlined in the NPPF. The policies of the Development Plan which relate to the supply of housing are therefore considered out-of-date and the 'tilted balance' towards approval as set out in paragraph 11d of the NPPF should be applied.

The application site has been allocated as a reserve site for residential development for approximately 51 dwellings in the Blaby Neighbourhood Plan as one of two reserve sites. The Neighbourhood Plan states that the site would be bought forward if needed to address the most up to date housing evidence and goes on to state that *'in the event of these sites coming forward for development they should meet the conditions in terms of the proportion of affordable units as set out in the policy'*.

When the site was included in the Blaby Neighbourhood Plan as a reserved site, it was acknowledged that the site would include the loss of *'principally derelict allotments and a small part of the golf course practice ground'*. The development would also mean the loss of a single tee located within the golf course, which would cause some loss to the overall course. However this should be weighed against the need to increase housing stock and the golf course's ability to continue to function on the remainder of the site.

While generally it is considered important to retain the Green Wedge it is recognised that the Neighbourhood Plan does allocate the site for development, specifically where

needed and in sustainable locations to be released. At present the council are unable to demonstrate a sufficient supply of housing in the District therefore the housing need is given sufficient weight, in addition this development site consists of a reserved site, which also has weight, where development would be accepted if there is a current need for housing. Furthermore, during the course of the examination report for the Blaby Neighbourhood Plan, the development site (reserved site S2) was not considered to be functioning as an open space, sport or recreation facility in relevance to Policy CS15. Although it is clear that some of the site is functioning, due to the first tee of the golf course still being in action as a recreation facility, the allotments, which also form a large part of the site are not functioning.

Policy CS16 states that Land use or development in Green Wedges should:

- a) retain the open and undeveloped character of the Green Wedge;
- b) retain and create green networks between the countryside and open spaces within the urban areas;
- c) and retain and enhance public access to the Green Wedge, especially for recreation

Arguably the Green Wedge still provides the functions as noted above and therefore the development would be contrary to Policy CS16 (Green Wedges) and the review carried out through the DPD. Green Wedges are important strategic areas, designated to in order to prevent the merging of settlements, guide development form, provide a green lung to urban areas and provide a recreation resource and it is considered that development for housing on this site would reduce the Green Wedge in this strategic area. Officers have balanced the loss of this relatively small area of the Green Wedge (at 2 hectares), against the overall balance of providing a development of 53 dwellings including 13 affordable units on this site and consider that in the case specifically it weighs in favour of its release. The location of the site in proximity to Blaby and its overall sustainability in terms of its location to the District's only Town Centre also weighs further in favour for the release of this small area of land for housing. Furthermore, the site has been allocated as a reserved site for housing development in the Blaby Neighbourhood Plan (Policy BNP6(b): Reserve site allocation (S2) and as such the principle of development on this site has already been assessed through the Neighbourhood Plan process.

Overall, the principle of the development is considered to be acceptable as the site adjoins Blaby (Town) and provides an opportunity to rebalance housing delivery in sustainable areas and adjoining the District's only Town Centre. More importantly, the site has been allocated for housing development as a reserved site in the Blaby Neighbourhood Plan and the development overall would not be in conflict with the policies set out in the Neighbourhood Plan.

Landscape and Visual Impact

The development site is located within the Blaby, Countesthorpe and Whetstone Fringe, as noted in the Blaby Landscape and Settlement Character Assessment. The report describes this area as *'the landscape consists of rolling farmland with a small to medium scale field pattern. Woodland strips give the area a perceived wooded*

character. However, the landscape is heavily influenced by urbanising features such as a highly developed road network, golf courses and playing fields’.

Blaby Landscape and Settlement Character Assessment notes that 2-3 storey residential housing development would have low to medium sensitivity to the landscape. The report also provides some guidance for future development including the following relevant points:

- *Protect the character of the open and undeveloped nature of the land within the character area. This is important in maintaining distinctiveness between the villages and also to distinguish this part of Blaby District from the suburbs of Leicester to the north.*
- *Soften urban edges and filter views of infrastructure development with increased woodland cover.*
- *Restore fragmented hedgerows and improve the hedgerow condition particularly in urban fringe areas. This should be achieved through new and infill planting which should include native hedgerow trees.*
- *Conserve existing hedgerow trees and woodlands. There is evidence of ageing trees with dead branches in some areas. In these locations new planting and management of trees should be undertaken, thus ensuring the retention of wooded character.*

The application was submitted with a Landscape and Visual Impact Assessment, which concludes that *‘in terms of likely landscape effects, this assessment has identified short-term effect of moderate significance at an immediate site level that results from the proposed transformation of an open setting of farmland to a housing development. This level of has been recorded due to the established urban setting of the site, its immediate and varied land uses and the lack of any harm to the key characteristics of the wider farmland setting of the Blaby, Countesthorpe and Whetstone Fringe landscape character area.*

At a local level the likely landscape effect has been recorded as minor in the short-term, reducing to minor to minimal in the long-term. This level of effect is relatively low due to the relatively small scale of the proposal, the scale and nature of the established urban edge, and the varied setting of land uses that contain the site. This level of effect is considered to be of limited significance to the planning decision making process’.

Overall, it is considered that the impacts of the development against the backdrop of existing residential dwellings would have limited harm, especially when considering the scale of the development and the fact that existing trees and hedgerows will be retained where possible. In addition, an area at the front of the site will be allocated for open space and the SUDs basin, which retains and reinforces this existing vegetated part of site. The development would also be restricted to dwellings with a maximum height of 2.5 storeys, ensuring that the development would remain as low sensitivity and not impact harmfully on the character and environment of the site.

It is acknowledged that the development will alter the route of the Public Right of Way, which crosses through the site through the proposed development, it is however hoped that the works that should improve the footpath through planning conditions, will

improve the route for users and especially children negotiating the path from Blaby to Countesthorpe Academy.

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 policy Policies CS7, CS8 and DM11 are broadly consistent with the NPPF paragraph 63 and can therefore be given full weight.

The Blaby Housing Mix and Affordable Housing Supplementary Planning Document provides guidance regarding the interpretation of policies CS7 and CS8, aims to address local imbalances in both the market and affordable housing stock, and aims to optimise the provision of affordable housing to meet identified needs.

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. It is worth highlighting that the most up to date information on affordable housing need is set out in the 2022 HENA. 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 539 affordable houses per year (including 341 per year as social and affordable rented and 189 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 proposed development will provide a policy compliant 25% of the dwellings as affordable homes (52 dwellings) which weighs in favour of the development and will help to address the shortfall in the District.

Policy CS8 states that residential developments of 10 or more dwellings should provide an appropriate mix of housing type (house, flat, bungalow), tenure (owner-occupied, rent, 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. As the application is in outline form, the application does not set out the proposed mix at this stage.

The proposal for up to 53 dwellings is close to the approximate figure of 51 dwellings referenced within the Blaby Neighbourhood Plan and expected to be delivered should this site be required during the plan period of the Neighbourhood Plan. The proposed development of up to 53 dwellings is broadly in line with the 51 dwellings referenced within the Neighbourhood Plan for this reserved site. No specific housing densities have been stated for the application proposal but with up to 53 dwellings being provided along with further infrastructure it is estimated that the built development would be in the region of 40 dwellings per hectare (as noted within the Design and Access Statement submitted with the application). However this will be established fully at the reserved matters stage when the design is finalised. In this case the density is at a higher level to that expected but the higher density enables the development to better meet the identified housing need for smaller bedroomed houses (2 – 3 bedrooms) and would better meet government objectives for housebuilding.

The applicants have proposed an acceptable number of affordable houses at 13 out of a development of up to 53 dwellings, this figure of 25% affordable houses will be maintained and agreed through the s.106 agreement. As this application is outline only and does not provide a layout for the development, where details such as the location of the affordable units and their finished design will be required. The policies state the following:

“In the interests of creating sustainable and mixed communities, affordable units should be fully integrated with market properties and should be spread across the development in clusters of no more than 6 dwellings” and “Affordable units across the site should be indistinguishable from market properties in terms of their design, layout and location”.

In addition, the following will be established as part of any reserved matters application as noted in the response from the Council’s Housing Strategy Team:

- Affordable homes must be 1 bed, 2 person, 2 bed 3 person (bungalows only) 2 bed, 4 person, 3 bed, 5 person and 4 bed 6 person. They must meet the minimum size criteria set out in the HCAs Housing Quality Indicators form. i.e. 2 bed houses must have an internal floor space of at least 67 square meters and 3 bed homes at least 82 meters squared...
- Whilst we would prefer one bed units as quarter houses, we will accept flatted units, however they will require their own entrances with outside space and parking. This only applies to one bed units.
- Adequate car parking is essential for affordable homes (a minimum of two car parking spaces provided for all 2 and 3 bedroom properties)
- Rear Garden access is also required for all affordable homes.

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

BDC Housing Strategy have provided recommended housing mixes for the proposed development of 53 dwellings (up to) as outlined in the tables below, these mixes shall be agreed during the Reserved Matters application. The below is an expectation of what the development will provide in terms of the housing mix within the site. Due to the identified requirements for housing mix the density of development would be relatively high at around 40 dwellings per hectare.

Market Mix Based on 40 Units	1 bed	2 bed	3 bed	4 bed	Bunglaow
Market	2	10	14	10	4
	5%	25%	35%	25%	10%

Affordable Mix Based on 13 Units	1 bed	2 bed	3 bed	4 bed	Bunglaow	Total	%
Social Rent	2	4	2	1	1	10	80%
Shared Ownership	0	0	3	0	0	3	20%

Overall, the proposed development is considered to accord with Policies CS7, CS8 and DM11.

Highways and Transport Considerations

The proposed development seeks permission for 53 dwellings with a new vehicular access onto Lutterworth Road, which is noted to be a Class C road subject to a 30mph limit.

During the course of the application, the applicants have submitted additional information and drawings in order to address the consultation comments received from LCC Highways. This included the submitted of tracking drawings that demonstrate that a refuse collection vehicle could satisfactorily enter and leave the site. LCC Highways also provided the following advice:

‘Whilst no speed survey data has been submitted to support the application, the LHA is satisfied that these splays would be more than sufficient, particularly given the chicane that would be retained (though amended) to the south of the access. In addition, following a visit to the site access location, the LHA is satisfied that such splays could be achieved. It should be noted that the existing hedgerow may be required to be cut back to facilitate this, although this could be secured by way of condition’.

‘The Stage 1 Road Safety Audit (RSA1) raised no highway safety issues with the proposed access. The LHA is content with the findings of the RSA1, although any forthcoming tracking drawings (and amendments to the site access arrangements) should be considered by the Auditor’.

LCC Highways also considered highways safety in regard to the development and provided the following advice *‘the LHA has reviewed its own Personal Injury Collision (PIC) database and notes that one PIC has occurred on Lutterworth Road between the junction with Southway and the roundabout with the A426 (‘Blaby Bypass’) / Wychwood Road in the latest five-year period. This was classified as ‘slight’ in severity. As a single incident, it does not represent any trends or pattern which could be exacerbated by the proposed development’.*

Regarding trip generation based on TRICS® data from 2022, LCC Highways noted that the trip generation (rates) were calculated slightly lower than nearby sites, however these lower trip rates do not materially affect the calculated trip generation figures.

The LHA also considered background traffic growth and noted the following *‘whilst the LHA has some concerns with the above growth factors, given the scale of development proposed, and noting that all junctions would operate with spare capacity in the future year (see below), the LHA does not require amended growth factors.*

The junction capacity assessments indicate that all junctions modelled would operate with spare capacity in the future year. The LHA is content with the Applicant’s junction modelling’.

LCC Highways made the following comments on Off-site Implications:

‘Alterations to traffic calming on Lutterworth Road are proposed to account for the new vehicular access and are detailed on Wormald Burrows Partnership Ltd. drawing number E3646/700/C. These alterations include a new chicane with a cycle by-pass. Whilst the LHA is generally satisfied with this proposed arrangement, it offers the following points for consideration at any forthcoming detailed design stage:

☐ *The hatching markings for the buildout are too close to the give way markings and would soon fade from being driven over by vehicles. The road markings should be amended to fit into the swept paths for vehicles.*

☐ *The signs to diagram 615 and 615.1 should be mounted 1.5 metres in advance of the give way triangle marking.*

The RSA1 raised no highway safety issues with the proposed off-site works. The LHA is content with the findings of the RSA1’.

As this application is for outline with access only, the LCC Highways are unable to comment on the internal site layout, which would be addressed as part of any Reserved Matters application.

LCC Highways requested that the applicant proposed off-site works to improve footpath/cycleway facilities northwards of the site towards Heybrook Avenue. The applicant during the application considered that the existing links were adequate, LCC Highways note their disappointment in regard to this matter, however does not consider that a refusal on this matter alone could be sustained, therefore seek funding for travel packs and bus passes for the first site residents, this is to be included in the s.106. LCC highways in regard to the off-site works provided the following comments:

‘Whilst this is disappointing, the LHA notes that the proposed site access would have 2-metre-wide footways on both sides tying into existing footway infrastructure linking to the village centre some 1.3 kilometres to the north of the site - with access to key local services and leisure facilities.

‘Furthermore, the site would be linked to National Cycle Network 6 via Public Right of Way (PROW) Footpath Z56. The site is also within 800 metres of bus stops which

have frequent services to Leicester, Blaby, Countesthorpe, South Wigston, Broughton Astley and Lutterworth. Considering the above and noting the requirements of paragraph 115 of the National Planning Policy Framework (December 2023), the LHA does not consider that a refusal on this matter alone could be sustained’.

LCC Highways provided the following comments in regard to the Public Right of Way:

‘The LHA advises the following, additional, advice to the Applicant when designing their scheme for the treatment of the Public Right of Way (Footpath Z56).

Public Footpath Z56 along the southern edge of Blaby directly connects Lutterworth Road directly to Winchester Road. At the eastern end of Footpath Z56 the route skirts the southern boundary of the recent Winchester Place development by Jelson Homes. Nearer to these homes, Footpath Z56 has an all weather surface and provides a connection to Winchester Road, which is the shortest pedestrian route southwards to the secondary school in Countesthorpe.

In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and supporting wellbeing, to comply with government guidance in the National Planning Policy Framework and the County Council’s Local Transport Plan, the Applicant is advised to consider improving the surface of Footpath Z56 within their site and beyond their site boundary to provide a through run for pedestrians going east from their site.

In the south western corner of the Winchester Place development there is a children’s’ play area located in green space beside Tarry Close. The play area backs onto the eastern edge of this proposed development. Potential residents of this development with children would obviously find it attractive to have an all-weather path linking directly to the play area, if an agreement for that can be made with Jelsons. Consequently, the Applicant may wish to consider looking into providing this’.

LCC Highways have provided recommended conditions in order to make the development acceptable in planning terms, one of these includes the treatments to the PROW, therefore this matter will be addressed through the imposition of planning condition. The treatment of the PROW would also enhance the footpath for uses especially during winter months where the footpath is not lit and has the tendency to become muddy and wet.

Overall and subject to the imposition of planning conditions and s.106 agreement, the development is acceptable in regard to Policies CS10 and DM8.

Flood Risk and Drainage

The Local Lead Flood Authority (LLFA) were consulted on the application and noted that the development site was located within Flood Zone 1, being at low risk of fluvial flooding and a very low risk of surface water flooding over most of the site, with an area of high risk in the north west corner.

During the original consultation response, the LLFA considered that further information was required in regard to the application due to the below:

- *The proposed SuDS basin is partially above ground. While 400mm of freeboard is shown to top of bank, it is likely that this could not be utilised if levels within the site are lower. The applicant must demonstrate that there is at least 300mm of useable freeboard within the proposed basin (i.e. the top of freeboard level below all proposed surface water drainage cover levels and gullies).*
- *The applicant should submit details of overland flow routing on-site and from the site. Details should include overtopping of the proposed basin. These details must show that flood risk to existing development is not increased, or where possible, betterment is provided.*
- *Where the basin is retained partially above ground, details of the associated earthworks should be submitted which tie into existing levels, in order to demonstrate that sufficient space for earthworks has been allowed for. Additional consideration of slope stability should be made to minimise the risk of failure when the basin is full (and minimise resulting flood risk off-site).*
- *Proposed SuDS include a dry detention basin only. Further consideration should be given to source control SuDS in order to provide additional treatment to run-off in line with CIRIA C753.*
- *The area of surface water high-risk in the north west corner of the site is likely to be fed by overland flows from off-site to the south and/or south-east. These overland flow routes may create a flood risk to the development. As such, the applicant should submit a review the existing catchment and where deemed a risk, suitable mitigation (such as a interception ditch/drain) should be considered.*

Following the above comments and LLFA request for further information, the applicants provided a revised Flood Risk Assessment and Surface Water Drainage Technical Note. The LLFA considered that the development was acceptable subject to planning conditions being attached to any permission. The development proposes to discharge at 4.6 l/s via a detention basin to the on-site watercourse at the sites north-west corner and includes an overland flow routing plan and detention basin sections to assure concerns raised in the consultation about the partially raised detention basin. The LLFA noted that the development *'now includes a permanently wet channel to increase water treatment benefits'*.

BDC Environmental Health Officers were consulted on the application and noted that the foul water is proposed to used mains sewer and the developer will have to meet the requirements of Severn Trent Water. Severn Trent Water did not comment on the application; however this connection would be separate to the planning application process, therefore not a reason to refuse the application. In addition, no consultants requested details of foul sewerage to be imposed by means of planning condition.

Overall, it is considered that the development would not increase flood risk elsewhere and the proposed flood risk strategy would be acceptable for the scale of the development within this site.

Ecology and Biodiversity

During the course of the application, the applicants have provided updated and further information in regard to ecology and biodiversity (including trees) on site. This information included:

- Tree retention and protection plan
- Bat activity survey
- Biodiversity Metric Final (4.0)
- Review of Ecological and Biodiversity Reports
- Reptile Survey

Trees and hedgerows

There are two specified Tree Preservation Orders noted within the development site (TPO reference 018/DC), these include two ash trees, which are represented on the Tree Retention Plan as Trees '32' and '42' and are both included within the tree retention plan and protected plan, shown as being retained and protected.

A group of trees are also protected adjacent to the existing PROW and located to the south of the former 'Five Winds Nursery' – 170 Lutterworth Road, adjacent to the Lutterworth Road. These trees are marked on the Tree Retention Plan as Group 30 and are noted within Tree Survey as containing Ash and Elm, this group is proposed to be retained within the boundary landscaped area of the development site.

A further protected group of trees to the eastern boundary located adjacent the footpath will also be retained, which is noted on the Tree Retention Plan as 'Group 45' these contain Ash trees, it is noted that these are to be retained as a landscaped boundary and that the impacts of the driveway on these trees needs further assessment. Any landscaping details will need to be agreed as part of any Reserved Matters application, at this point the applicants have proposed to retain the mature and currently protected trees on the site and therefore this is considered to be an acceptable approach and would be sought during the Reserved Matters application.

LCC Forestry originally commented that a 'total of forty-three individual trees and five tree groups have been identified and assessed as part of the tree survey. Based on the survey 22 trees are one tree group (G6) are scheduled for removal to facilitate the development. Generally, trees identified for removal are low quality and relatively small semi-mature tree stock. Nonetheless, to mitigate the loss of trees from the site a detailed and robust landscape scheme would be required to buffer the development and ensure the development is of appropriate character'.

The layout of the development site at this stage is indicative and as noted on the submitted Tree Retention/Protection Plan *'once a detailed, scaled development plan is prepared a more accurate constraints and tree protection plan will need to be prepared'*. LCC Forestry did however review the plans and considered that the information provided was sufficient. The reserved matters application will deal with the details of the landscaping through the imposition of planning conditions.

Bats

The Review of Ecological and Arboricultural Reports for the development site notes that there are no structures within the site area to offer potential to support roosting bats. It is noted that the golf course and allotment area are likely to support foraging bats and that an activity survey was recommended, which was submitted with the

application. LCC Ecology did not provide objection to the additional information and note that precautionary methods of working have been provided, which will be ensured by means of imposition of planning conditions. Additional conditions are also required regarding ecological enhancements and a lighting design strategy.

Badgers

The Review of Ecological and Arboricultural Reports notes that *‘a further survey for badger is not recommended as there is no evidence of a sett being present on the site or within 30m’*. Pre-walkover surveys will be imposed by means of planning condition if the construction works are not commenced within 12 months.

Great Crested Newts, Reptiles and Amphibians

An updated reptile survey was undertaken in 2024 with no reptiles identified and suitable precautionary methods of working recommended in part 5 of the reptile report.

The report notes that whilst no reptiles have been identified in this location in 2024, the presence of a small number of reptiles cannot be entirely ruled out and therefore the removal of this habitat area will displace any reptiles present. It then goes on to state *‘Since the number of reptiles will be so low based on the survey results, the other areas of suitable habitat within the Golf Course can easily accommodate these’*.

Birds

The Review of Ecological and Arboricultural Reports notes that *‘allotment area, previously overgrown by dense bramble and ruderals as cleared and at the time of the 2021 survey there was little cover for ground nesting birds across this area. However, the vegetation has started to recover as can be seen on the photographs later in this report taken in April 2023. The potential presence of nests may be anticipated in the future within the boundary hedgerows and trees. Measures to avoid disturbance to any nests or nesting activity will need to be considered within any development’*.

Biodiversity Net Gain

While the development was submitted prior to the introduction of mandatory BNG, the National Planning Policy Framework 2023 (paragraph 185) recommends that *“planning policies and decisions should.... identify and pursue opportunities for securing measurable net gains for biodiversity.”* The Biodiversity Net Gain Assessment results indicate that the development will lead to a loss of 18.35% habitat loss and a gain of 66.37% hedgerow units. The site is not capable of providing sufficient landscaping and protections throughout the development which will offer the chance to offset the loss of any existing natural landscape, with a net gain in hedgerow units, however to ensure that the proposals can lead to a net gain in the overall habitat units the Applicants consider that this can be achieved via a financial contribution secured through planning obligations (s.106). The applicants submitted a letter from ‘The Habitat Bank’, which is in the process of being agreed currently, confirming that the site could provide sufficient units required to offset the BNG loss within the site. LCC Ecology considered these to be acceptable measures.

It is not expected that there will be any net gain from this development through Biodiversity Net Gains (made via contributions) however the applicants are expected to offset the losses that will arise through the development, so there is no overall loss. As the development was submitted prior to mandatory BNG this is in this case considered acceptable.

The development, therefore, is considered acceptable in regard to Policy CS19 and Paragraph 185 of the NPPF subject to the imposition of conditions relating to on-site Biodiversity Net Gains and the Applicant entering into a s.106 to secure the off-site gains.

Heritage and Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site lies in an area of archaeological interest as noted by LCC Archaeologists who state that:

‘The site lies adjacent to Lutterworth Road, which is thought to follow the course of a Roman road connecting Leicester and the Roman small town of Tripontium (HER ref: MLE1902). Archaeological investigation on the opposite side of Lutterworth Road identified several features including a possible Bronze Age burial, two Iron Age roundhouses and a possible four-post structure. Although the submitted DBA was undertaken in 2019 we believe the conclusions within the report remain relevant’.

While the current results are 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.

The works regarding archaeology, which includes for a written scheme of investigation and initial phase of trial trenching will be imposed by means of planning condition as outlined at the start of the report.

On the basis of the further archaeological investigations being carried out, the application is considered to comply with Policy CS20 of the Core Strategy and Policy DM12 of the Delivery DPD.

Open Space, Recreation and Sport

Open space, sport and recreation facilities make an important contribution to the quality of life, health and well-being of communities. Updated Policy CS15 of the Delivery DPD states that the District Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities.

In order to achieve this, the policy sets standards for the provision of open space, sport and recreation per 1000 population in the District, and indicates that these standards will be used to ensure that development proposals provide sufficient accessible open space, sports and recreation, taking into account any local deficiencies. It states that new on-site provision or, where appropriate, financial contributions to improve the quality of, or access to existing open space, sport and recreation facilities, will be expected and commuted maintenance sums will be sought.

Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document includes guidance to support the Local Plan in relation to open space, sport and recreation requirements for developer contributions. It states that open space and play facilities should normally be provided within the development but recognises that open spaces of less than 2200 square metres in size are of limited recreational value, are expensive to manage and maintain, often lead to conflict with neighbours and therefore have little overall community benefit.

On-site open space provision

Based on the requirements of Policy CS15, the following amounts of public open space required to serve the development have been calculated. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of up to 53 dwellings would have a total population of 127 people). This is consistent with the average estimated household sizes in the 2021 Census where the average household size is 2.41 for England, 2.4 for Leicestershire, and 2.42 for Blaby District.

The Parameters Plan and Design and Access Statement indicate 1.48ha of the site is proposed for residential development, comprising 75% of the site, allowing for the provision of 25% of open space (0.5 hectare). The open space is provided to the north of the proposed access to the site and includes the surface water attenuation pond and retention of a number of trees located within the site. No outdoor sports space, allotments or cemeteries are proposed on the site.

Type of open space	Amount per 1000 population in ha (Delivery figures)	Amount for development in ha (127 population)	Actual Provision in ha (Preliminary Figures from applicants)
Parks and Recreation	0.23	0.029	0.102
Natural Greenspace	2.6	0.330	0.222
Informal Open space	1.0	0.127	0.223
Children and Young People's Open space	0.06	0.007	
Allotments and Community Gardens	0.25	0.031	
TOTAL		0.524	0.547 (approx.)

The overall amount of open space proposed is almost equal the requirement of 0.524 hectares for those open space typologies being provided for on site. The open space, will however include SuDS features which may not necessarily be fully usable to the public but will still form an open space on the site which can be appreciated by residents. The open space will also include areas which may require specific maintenance or limited public access for Biodiversity Net Gain (BNG) purposes (i.e. retention of existing trees on the site).

Although the proposed masterplan is illustrative only and layout is to be agreed as part of future reserved matters applications, it is anticipated that the development will come forward broadly in line with the masterplan. The Section 106 agreement can ensure that a minimum amount of open space is provided on-site.

Off-site open space contributions

As mentioned, the on-site open space does not include provision for outdoor sports space, or cemeteries/ churchyards. As such, it is considered appropriate for contributions to be provided to provide for new or improved off-site open space of these types, subject to there being an identified need. The financial contributions will be secured through the Section 106 agreement.

Environmental Implications

Land Contamination

A Phase 1 and Phase 2 Site Appraisals, and a Gas Addendum Letter (prepared by GRM Development Solutions Limited) were submitted with this application.

Environmental Services reviewed the documents submitted and provided the following comments:

*'The **Phase 1 Site Appraisal (Desk Study)** is dated February 2017. It cites that no proposed development plan was available at the time (page 1). The present use of the site is given as a working golf course/ abandoned allotments. The recommendations given in Section 4 appear to be reasonable. Section 6 of the report recommends a Phase II ground investigation.*

The Phase II Site Appraisal is dated January 2021. Again, the report cites that no detailed development proposals were available at the time of the issuing of the report.

I presume that the Environment Agency will consider the groundwater contamination aspects of the report. In terms of ground gas monitoring (page 12 of the report), further monitoring was envisaged after the submission of the report, in order to confirm the initial conclusion reached.

The report contains recommended remedial measures and validation requirements in Section 9. Section 9.1.1 refers to the presence of asbestos needing further work. At the time of the report, no gas protection measures were considered necessary. Section 9.2 states that a Remediation Strategy and Verification Report are likely to be required. It also states that the Local Authority may choose to consult other bodies, such as the Environment Agency. Section 9.3 discusses disposal of materials won from the site.

Section 10.6 recommends the use of piled foundations in certain areas of the development, and the impact of undertaking this work will need to be considered in Impacts of Construction (please see my comments below). A CFA pile solution which

produces less vibration is mentioned; such a method would be preferable for reducing off-site impacts.

Section 10.10 of the Report considers infiltration drainage and concludes that soakaways are unlikely to be feasible.

Section 11 provides recommendations for further investigation.

The Gas Addendum Letter is dated March 2021. The results of the further ground gas testing did not affect the recommendation in the Phase II Site Appraisal'.

Environmental Services Officer's recommended that the Environment Agency were consulted on the Groundwater Pollution aspects of the reports, who then provided the following response 'From the application form it seems like a development on disused allotments and a golf course, which is not a highly polluting previous use'.

Environmental Services also recommended the imposition of conditions on any decisions to ensure that the recommendations made within the submitted documents are adhered to throughout the development. These measures include:

- Protection of End users from soil contamination.
- Further monitoring for Gound Gas
- Protection of Site Workers
- And Further investigations to accurately determine the effects of some of the identified hazards on the development (e.g. asbestos survey, ground additional ground investigations).

Noise

The development would be purely residential in nature set alongside existing residential dwellings and adjacent the golf course. Overall, it is considered that the end use of the site would not impact neighbouring amenity, nor be impacted by neighbouring uses bar during the construction phase of the development, this is addressed in more detail below.

Light

The development is located close to existing residential dwellings, which are unlikely to be impacted by light from the development nor impact the development through lighting levels. The golf course is unlit and therefore unlikely to impact the proposed development. The rugby club is located opposite the site to the south-west corner, which has floodlighting installed, it is noted that the proposed dwellings (while indicative), would be separated by both the road and the car parking associated with the sports field and when reviewing the floodlighting scheme from the application reference (14/1100/1/DOC Discharge of Conditions 4, 5, 7, 9, 13, 14, 15, 16, 19, 20 & 22 attached to Planning Permission 13/0941/1/OX Leicester Lions RFC Lutterworth Road Blaby), it is noted that the lighting is directed towards the pitch and the luminance levels are unlikely to impact the proposed development. In addition existing dwellings are closer to the pitch and lighting than the new dwellings currently under consideration.

Ball strike risk

Paragraph 193 of the National Planning Policy Framework states that *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*.

The development site is located directly adjacent to an existing and active golf course with the development partially sited over the golf course. The applicants during the course of the application were required to submit a ball strike assessment to understand the impacts, if any, on the development site from the risk of golf balls impacting properties, cars or occupants and their visitors. The applicants submitted the document 'Boundary Risk Assessment', which in the summary states the following:

'A new development is proposed for land adjacent to Blaby Golf Centre. There is a possibility that balls may surpass the boundaries of the golf course and present a risk to the property and people within the new development. Labosport Ltd has reviewed the site to ascertain the risk of balls landing in areas past the boundaries; and to advise on the type and level of mitigation recommended to provide a suitable level of protection.

The developer is acquiring land, which was previously a golf hole, for the purposes of this assessment this cannot be considered due to the amount of land being taken, and it is recommended that no formal golf take place on this area, should this change it is recommended an updated ball strike risk assessment be completed. As such the next closest hole to the site boundary has been considered'.

The report goes on to state that *'given the land taken the existing hole has not been considered as it is not reasonable to assume the golf will remain in this area shown with the grey hatched area in the below image'*.



Figure 4. An overview of the proposed development adjacent to Blaby Golf Centre

Other than the land within the application site boundary, the golf course is outside the applicant's control and therefore the area of hatched land cannot by means of planning condition be controlled or restricted to being out of play should the tenants of the golf course alter the course to include within play or change the tees. Indeed, even the closest hole as shown on the plan still has the possibility that erroneous shots may surpass the boundaries of the proposed development.

The 'Boundary Risk Assessment' concludes that *'there is a no need for ball stop fencing/netting to protect the proposed property development from ball trajectories from the tee shot on this hole. There is no recommendation for any mitigation netting'*.

Environmental Services provided the following comments on the application in regard to the proximity to the golf course and the ball strike assessment:

"... The assessment itself appears to be reasonable, however there are some resultant issues that I consider need to be resolved:

- 1. The assessment recommends that no formal golf playing occurs in an area adjacent to the proposed development marked with grey hatching. However this area of land lies outside the red line of the current application. Therefore I am concerned that the applicant will not have control over the implementation of this recommendation;*
- 2. The assessment states 'This report does not account for any existing, or planned planting (trees, hedges etc). This trajectory assessment is based on reasonable worst-case scenarios, and it is our informed opinion that planting cannot be relied upon to provide protection against ball trajectories. The planting may not be sufficiently dense to stop the ball, nor homogeneous across the length. The planting may change during the seasons, or indeed be cut back or removed.'*
- 3. Section 6 of the assessment, titled 'Ball Stop Netting Recommendations', does not recommend any mitigation netting. However the section also refers to the possibility of a so-called 'freak shot', and the need for a 'balanced' approach to be taken.*

The issues that I have listed above are likely to have implications for the layout, particularly layout and boundary treatments. I recommend that the applicant submits a response to the assessment, with an approach to resolving them".

In response a letter from the applicant's solicitor states

'The consequence of this degree of land take is that the first hole will not be playable in connection with the current golf course and that either the course is reduced to an 8-hole course, or the course is itself reconfigured, in order to accommodate 9 holes'. They presume in their letter that 'that any such reconfiguration is likely to require fairly substantial ground modelling and earth works in order to create for example new bunds, ponds, bunkers and/or a new greens'.

However, your officers consider that without a thorough understanding of how the change might affect or be incorporated into the remaining golf course site, it is not

possible at this stage for the Council to determine if the works (if any) made to the golf course would require planning permission or may be permitted on the land, if no operational development is required. This could potentially still leave an issue of ball strike to the development site through alterations to the play. Therefore the concerns regarding the risk of ball strike to the properties due to any possible changes to the golf course, which are a result of the development at this stage have not been fully addressed through the planning application.

It is also acknowledged that there is an application submitted and currently pending decision on the remainder of the golf course site, this is for outline permission and at an early stage in the process. This application site even should it receive permission would not mitigate against the potential risk of golf ball strike due to the time period for an application of this scale to commence works and where the golf course could continue to run as a business during any later phases of an application (discharge of conditions and Reserved Matters) or if the application on the larger parcel of the golf course is refused then until the business ceases to run.

Planning conditions in this case are not considered to meet the tests due to there being no current necessity to mitigate against ball strike, and the land in question being outside the red line site area. Planning Conditions as stated in Paragraph 57 of the National Planning Policy Framework should only be used when:

- 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.

It is however, considered that suitable agreements can be made through the section 106 agreement to keep the hatched area out of play and ensure that no new areas or directions of play are brought in to place that impact the development site or require mitigations measures (i.e. fencing, which would require permission in its own right). This will need to be a joint agreement that includes the landowner and tenant of the site. Only by ensuring that any changes that could be made to the golf course cannot impact the development or can be satisfactorily mitigated the development would be acceptable for this reason and in accordance with Policy DM2 of the Blaby District Development Plan, which requires development to have a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

Impact on amenities of existing residential properties

The proposed development is located on the edge of existing residential dwellings and their gardens, and so would be located in the proximity to some existing residential properties located off Lutterworth Road and Lichfield Drive, with some proximity to Tarry Close, although this is separated by open space/play areas. The properties in general have long rear gardens and therefore overall, it is considered that the dwellings could be accommodated with an acceptable separation distance between existing dwellings and would not be overbearing when considering the distances due to the gardens.

The masterplan is indicative at this stage and the details for windows, building heights, parking and individual gardens will be determined at the reserved matters stage. The Design and Access Statement does comment that *'Building heights will generally be two storey in height to remain sympathetic to local context and the edge of town location. Some variation of building height up to 3 storeys would be appropriate to define key vistas and/or vary the roof line'*, which would be established at reserved matters. It is considered appropriate to restrict the dwellings on this site, due to its small scale and for design purposes to 2.5 storeys in height, this will also ensure that the development is not overbearing on nearby residential dwellings and the amenity space that they currently benefit from. The development site is overall small in scale, enabling the provision of up to 53 dwellings and it is considered that dwellings of 3 storeys within this site would appear out of context especially when considering that nearby properties are only two storeys in height including the relatively new development off Westfield Close to the west of the site and dwellings located along Lutterworth Road near to the site, which are generally two or one and a half storey.

It is therefore recommended that dwellings within the site are conditioned to 2.5 storey maximum, allowing for there to be key dwellings if established necessary during the detailed phases of the application and to ensure that the development remains appropriate for its context adjacent the Settlement Boundary and when considering nearby dwellings.

Construction Management

A large development proposal of this scale impacts and disruption during the construction phase to neighbouring properties. The District Council's Environmental Services team has advised that due to the environmental constraints and disturbances which are usually associated with the demolition and construction phases of a development, it is recommended that a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the District Planning Authority prior to the commencement of the operations, which should then be adhered to throughout the construction phase.

The Construction Management Plan shall provide for:

- Measures to control the emissions of dust and dirt (and any other airborne emissions) during construction;
- Measures to control the emissions of noise and dust during construction;
- Hours of construction and deliveries.
- Any lighting to be used during construction of the development.
- Piling Method Statement (if necessary)

Waste Management

Amongst other things, Core Strategy Policy CS23 seeks to ensure that waste collection is considered in the design of development including maximising recycling facilities. The provision of refuse collection has been considered as part of the urban design considerations. During the course of the application the applicants have amended the submitted plans to ensure that waste collection can be satisfactorily achieved from the new development in lines with their guidance, this includes, bin

storage areas to the front of properties located along private drives, which will be designed to match the external materials of the related dwelling.

Sustainability and Climate Change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. The policy states that new development will be focussed in the most sustainable locations, in accordance with Policy CS1 and Policy CS5. As identified when considering the principle of development, the site adjoins the Principal Urban Area of Leicester and is therefore considered one of the most sustainable locations for new housing development, in accordance with Policies CS1 and CS5.

Policy CS21 also seeks to reduce energy demand and increase efficiency through appropriate site layouts and sustainable design features. This includes providing for safe and attractive walking and cycling opportunities, utilising landform, building orientation, etc. to reduce carbon consumption, supporting Governments zero carbon buildings policy and encouraging residential development to achieve Code for Sustainable Homes level 3, and encouraging the use of sustainable materials and construction measures. Finally, Policy CS21 also encourages the use of renewable, low carbon and decentralised energy and supports renewable and low carbon energy generation.

Given that Policy CS21 was adopted in the Core Strategy in February 2013, several the measures referred to (such as the zero carbon buildings policy and Code for Sustainable Homes level 3) are now outdated. Furthermore, energy efficiency standards are now set at a national level through the Building Regulations, and this will be strengthened through the Future Homes Standard within the next two years. As such, it is not considered that the District Planning Authority has a policy position to be able to require higher energy efficiency standards to the proposed development

Section 106 Agreement

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 through planning obligations.

Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under Section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority.

Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, as set out in Regulation 122 of The Community Infrastructure Regulations 2010. Planning obligations, the form of Section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

This current document will be 'Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (March 2024 Consultation Draft)' adopted September 2024.

Education

Leicestershire County Council has stated that a financial contribution for Post 16 Education (Countesthorpe Academy) is required in order to make the development acceptable and as calculated by Leicestershire County Council based on the average cost per pupil space for extensions and re-build projects. The figure takes into considering the relevant schools likely to be affected by the development

Health Care

The NHS has requested a financial contribution which will be secured via the Section 106 agreement, in order to proportionately increase facilities to maintain services to support the health needs of a GPs patient list, this contribution would be used to support the health needs of those on the patient list. The two healthcare providers that are considered to be directly related to the housing development are Northfield Medical Centre and Hazelmere Medical Centre.

Travel

LCC Highways have requested a contribution to encourage sustainable travel to and from the site, which includes provision of a Travel Pack (to inform new residents from first occupation what sustainable travel choices are available in the surrounding area) for each dwelling and Six Month Bus Passes (two per dwelling) to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

Libraries

LCC has requested a financial Contribution for Blaby Library which will be secured via the Section 106 agreement and Leicestershire County Council in their response have considered that the occupancy of the development will increase pressures on the facilities at the library and therefore. the contribution will be used to improve facilities or provide books, materials etc. The contribution is considered to be direct to the development and proposed increase in site occupancy.

Blaby District Council Refuse Bins

The recently adopted Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document (September 2024) sets out that the Council will seek and encourage developers to make contributions appropriate to provide suitable facilities for recycling and waste collection, for example wheelie bins. Paragraph 4.3.34 notes that to cover the cost of bins for refuse and recycling, £49.00

per household will be sought on all major schemes. A contribution of £2,597 would therefore be required of a scheme of 53 dwellings.

Waste contribution

A contribution of £1265.11 is sought to be used for site reconfiguration, including the development of waste infrastructure to increase the capacity of the Whetstone Household Waste and Recycling Centre (HWRC), or any other HWRC directly impacted by the development.

Off-site open space contributions

As mentioned, the on-site open space does not include provision for outdoor sports space, or cemeteries/ churchyards. As such, it is considered appropriate for contributions to be provided to provide for new or improved off-site open space of these types, subject to there being an identified need. The financial contributions will be secured through the Section 106 agreement.

Overall Planning Balance and Conclusion

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 that the District Planning Authority 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 53 houses and the associated social, economic and environmental benefits, including provision of affordable housing, are identified benefits of the development. A clear benefit of the proposal which weighs in favour of the proposal is its contribution towards local housing land supply including within the next 5 years. Significant weight is attributed to the delivery of 13 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 release of a small area of Green Wedge at 2 hectares within this context is considered acceptable on balance, due to the benefits of providing up to 53 dwellings and due to its location being sustainable due to its proximity to Blaby Town. This has been balanced against the loss of this small area of Green Wedge. The overall build area of the site is approximately 1.48 hectares with the remainder of the total development site being used for drainage pond and allowing for retention of trees within the site and the proposed open space. The sustainability of the site will be further enhanced for new occupants through the provision of Travel Packs and Bus Passes. In addition, the Blaby Neighbourhood Plan has additional weight following its adoption and the reserved site (S2), as noted within the Blaby Neighbourhood Plan includes the entirety of the site should there be an identified need for new housing within the District, as currently indicated by recent housing need assessments. Therefore, this site is further tilted in the balance for development for housing.

Officers have fully considered the application against local and national policy and guidance and against all relevant material considerations. It is considered that any harm identified from the development can be satisfactorily mitigated through the use of conditions and does not significantly and demonstrably outweigh the benefits of the proposed scheme. Permission for this scheme should therefore be granted without delay in accordance with the provisions set out in paragraph 11 of the NPPF.

The application is therefore 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.

**24/0439/OUT Registered Date
16 May 2024**

**Clarendon Land & Development II Ltd
and John Littlejohn Designer Homes Ltd**

Outline planning application for the erection of up to 31 dwellings and associated infrastructure, including construction of a new access to Little Glen Road, public open space and a sustainable urban drainage system.

Land to the south of Little Glen Road, Glen Parva

**Report Author: Helen Wallis, Senior Planning Officer
Contact Details: Council Offices. Tel: 0116 272 7698**

RECOMMENDATION:

THAT APPLICATION 24/0439/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:

- 100% Affordable Housing provision
- Health care facilities contribution
- Library facilities contribution
- Civic amenity and waste facilities contribution
- Bus passes
- Off-site highway works on Little Glen Road
- Refuse bins contribution
- Cemetery facilities contribution, if justified and necessary.
- On-site open space and future maintenance
- Securing delivery and monitoring of biodiversity units are per the statutory Biodiversity Net Gain condition.
- S106 monitoring contributions– District and County Councils

AND SUBJECT TO THE STATUTORY BIODIVERSITY NET GAIN CONDITION AND IMPOSITION OF CONDITIONS RELATING TO THE FOLLOWING:

1. 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. No residential development or associated highways infrastructure beyond the extent indicated on illustrative site layout.
4. No approval to illustrative site layout.
5. Maximum number of dwellings not to exceed 31
6. Dwellings to not exceed two and a half storeys in height
7. Landscaping scheme to be submitted, agreed and adhered to
8. Landscaping scheme to be implemented.
9. Provision of appropriate mix of affordable housing in accordance with adopted SPD.
10. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes

11. Details of all external materials to be agreed.
12. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
13. Surface water drainage scheme to be submitted and agreed and implemented
14. Foul water drainage scheme to be submitted and agreed and implemented
15. Details of management of surface water during construction to be submitted and agreed and adhered to
16. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
17. Infiltration testing to be carried out
18. Revised acoustics assessment to be submitted with reserved matters.
19. Construction Management Plan to be submitted and agreed and adhered to
20. Access arrangements to be implemented in full
21. Highway improvement works to be implemented in full.
22. PROW protection during construction and proposals for treatment of the PROW to be submitted and approved
23. Construction Environmental Management Plan (CEMP) for Biodiversity to be submitted and agreed and adhered to.
24. Updated badger survey to be submitted with reserved matters.
25. Scheme for the provision of bat and bird boxes within dwellings to be submitted and agreed and adhered to.
26. Trees and hedgerows to be retained in accordance with tree retention plan and protected during construction.
27. Replacement hedgerow to northern boundary of site where removal required to provide access.
28. External lighting scheme for public areas to be submitted and agreed and adhered to.
29. Waste collection strategy to be submitted and agreed and adhered to.
30. Programme of archaeological investigation to be undertaken, informed by a written scheme of investigation, to be submitted and agreed.
31. Phase II intrusive investigation to be undertaken and the results of that investigation to be submitted as part of the reserved matters application
32. Submission of method statement detailing remediation requirements
33. Ground remediation works to be carried out
34. Reporting of unexpected contamination

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 (GI)
Policy CS15 – Open space, sport and recreation
Policy CS16 – Green Wedges
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 DM8 – Local Parking & Highway Design Standards
Policy DM11 – Accessible and Adaptable Homes
Policy DM12 – Designated and Non-designated Heritage Assets
Policy DM13 – Land Contamination and Pollution

National Planning Policy Framework (NPPF) (2023)

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

Leicestershire Highways Design Guide

Blaby District Council Active Travel Strategy 2024

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (September 2024)

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

Blaby Landscape and Settlement Character Assessment (January 2020)

Blaby District Council Strategic Green Wedge Assessment (2016)

Blaby District Council Open Space Audit (December 2015)

Blaby Residential Land Availability Report (March 2023)

Blaby Strategic Flood Risk Assessment Level 1 Final Report (December 2020)

Blaby Strategic Flood Risk Assessment Level 2 Final Report (October 2021)

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

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

Consultation Summary

Blaby District Council, Environmental Services

Noise - Original Consultation May 2024 Further information is needed prior to determination. A noise impact assessment is required to assess impact of existing adjacent commercial uses and other noise sources, including the railway line. Condition recommended requiring submission of a Construction Management Plan.

Noise - September 2024 (Further to receipt of Noise Assessment) – (1) The noise report has considered all the necessary noise sources looking at the appropriate British Standards (2) noted that the site layout is illustrative at this stage which could alter some of the conclusions and levels of mitigation suggested in the acoustic report (3) mitigation required will be more rigorous with the properties in line with Little Glen Road and Birmingham to Peterborough railway line and adjacent to neighbouring commercial development (4) Acoustic Ventilation and Overheating Guide (AVOG) Level 1 assessment included and a Level 2 assessment will be needed (5) site is suitable for development subject to appropriate noise mitigation (6) revised acoustic report will be required should illustrative plan be updated (7) Level 2 AVOG must be addressed upon finalisation of the site plans and included within the revised noise assessment. This can be achieved with the use of a suitably worded planning condition on the outline permission.

Contamination - Recommend condition requiring submission of Phase II intrusive site investigation report, method statement, validation plan and verification report.

Blaby District Council Health, Leisure and Tourism (Sports) – The development is not of sufficient scale to calculate requirements in respect of playing pitches.

Blaby District Council, Housing Strategy Team – Fully supportive of the application for 31 affordable dwellings in this location. The District and Parish Needs Assessment demonstrate the pressing need for affordable homes across Blaby. The current scheme would be open to all on the housing register, however, there is also significant need from the Parish itself. We are in full agreement with the suggested housing mix.

Blaby District Council, Neighbourhood Services – Guidance documents provided. Noted that it was not clear where residents should present their waste containers for collection on plans, noted Part H Building Regulations. It is also stated that the Council's Refuse and Recycling collection vehicles cannot access any newly development roads that are not adopted. There must be a sufficient turning circle and sufficient road widths for waste lorry access.

No additional comments were made following re-consultation.

Blaby District Council, Principal Planning and Conservation Officer– Impact on setting of non-designated heritage asset (Glen Ford Grange) and the erosion of openness around this property and the historic settlement core would be compromised. Conclude that the level of harm to its setting would be no greater than the lower end of the scale of “less than substantial” harm. Any harm to heritage significance of The Manor and the Scheduled Moat and Hut Circle would be at the lowest end of scale of ‘less than substantial’.

Blaby Parish Council – No comments to make.

Cadent Gas – No objections. Require addition of informative to applicant on any decision notice advising of their responsibilities.

Canal & River Trust – No comments to make on the proposal.

Environment Agency – Recommend condition in respect of development to be carried out in accordance with submitted flood risk assessment and implementation of mitigation measures (specified finished floor levels).

Glen Parva Parish Council – No comments provided on application.

Health and Safety Executive – No comments to make on proposal. The site does not lie within the consultation distance of a major hazard site or a major accident hazard pipeline.

Historic England – No advice offered on application.

Leicestershire County Council, Archaeology - Comments. A desk-based assessment has been submitted and reports awaited on an earthwork survey and trial trenching evaluation of the site.

July 2024 (Receipt of survey and trial trenching evaluation) – Current results of archaeological investigations are sufficient to support the planning decision, however, further post determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. Condition recommended requiring a programme of archaeological works to be completed.

Leicestershire County Council, Ecology - Comments provided. (1) The Preliminary Ecological Appraisal (April 2024) and the supplementary Bat and Badger Survey letter (November 2023) are acceptable. The Ecological Impact Assessment (EclA) which includes the updated grassland survey is acceptable. (2) no evidence of bats found in T1 but tree is to be retained. Protection measures should be detailed in a CEMP (3) condition requiring updated badger surveys and mitigation scheme at reserved matters stage (4) CEMP for biodiversity should be submitted prior to development (5) BNG metric and summary are acceptable and show 10% net gain in both area and linear habitats. BNG metric will need updated at the reserved matters stage and

should be accompanied by a draft BNG Plan showing how net gain will be achieved. As per mandatory BNG condition, a biodiversity gain plan and HMMP will be required prior to development.

Leicestershire County Council, Education – Surplus capacity at primary, secondary and post 16 levels. No contribution requested.

Leicestershire County Council, Forestry – No objections. The development proposed to maintain the majority of trees and hedges across the site with only significant loss being H1 across the northern boundary of the site to facilitate access. New planting will mitigate this loss. Tree protection measures are appropriate.

September 2024 (Receipt of revised BNG baseline and ecological assessment) – No further comments to make.

Leicestershire County Council, Highways – The application as submitted does not fully assess the highway impact of the development. Further information is required to demonstrate that a safe and suitable access to the site can be achieved: (1) carriageway widths should be redesigned to prevent unsafe overtaking of cyclists (2) tracking assessments should be submitted to demonstrate that two cars could access and egress the site access concurrently in all directions (3) tracking assessments should be submitted for a refuse collection vehicle (3) independent Stage 1 Road Safety Audit (RSA1) should be undertaken. The Local Highway Authority (LHA) will then give further consideration to the three proposed pedestrian crossing points (4) further information is required to demonstrate whether the proposed development would protect and enhance public rights of way (PROWs). (5) Recommend that 6 month bus passes required for every household.

September 2024 (submission of revised Transport Statement and Stage 1 Road Safety Audit) – The LHA is satisfied that all issues raised in RSA could be addressed at the detailed design stage and is content with proposed three crossing points. Further information needed in respect of refuse vehicle tracking and forward visibility and dimensions for hatching tapers should be added to the drawing.

October 2024 (submission of revised Transport Statement and access drawing) – Hatching tapers are incorrect length and need revising to reflect the 85th centile measured speeds.

October 2024 (submission of revised Transport Statement and access drawing) – Comments awaited.

Leicestershire County Council, Lead Local Flood Authority – No objections subject to conditions requiring the submission of a surface water drainage scheme, details of its maintenance, details of infiltration testing and management of surface water during construction.

Leicestershire County Council, Libraries – Contribution of £845.54 requested for Blaby library.

Leicestershire County Council, Waste - Contribution of £739.97 requested for Whetstone Household Waste and Recycling Centre.

Leicestershire Fire and Rescue - Leicestershire Fire and Rescue service do not consult on plans or provided direct comment on access facilities for new domestic building development.

Leicester, Leicestershire and Rutland Integrated Care Board – Request S106 contribution to support increased demand on health care services for the area. Contribution requested £24,006.40.

Leicestershire Police – No objection in principle to application. Observations made respect of CCTV provision and number plate recognition; illumination of main vehicle entry points, pedestrian walkways and open space; provision of vehicle parking within the curtilage; provision of secure cycle parking and bin storage and consideration of height of vegetation.

Severn Trent Water – No response received.

Third Party Representations

5 representations objecting to the application. The comments received are summarised below:

- Road congestion already horrendous
- Not enough amenities to sustain another 31 dwellings, i.e. doctors, schools etc
- Land has not been identified in the local neighbourhood plan for housing development
- Blaby already has major housing developments under way – proposed developed is not necessary or desirable
- Any new junction will be difficult for traffic to exit out of onto Little Glen Road
- Traffic forced to queue while vehicles wait to turn right into the development will be queuing in the chicane area causing dangerous tailbacks and a real potential for accidents.
- Drivers' vision is reduced due to the curve of the road and chicanes.
- Little Glen Road is extremely busy at times with long traffic queues.
- Green belt land that should not be built on
- Hardly any green space in Glen Parva along Little Glen Road
- Application highlights that development will only be in flood zone 1, however, Lidar data clearly illustrates that height difference between flood zone 1 and 3 is minimal.
- Development on flood plain will disperse flood water to other undeveloped areas and flood zone 1 will become flood zone 2 or 3 with climate change.
- Will exacerbate risk of flooding
- Recorded levels of flooding from the river are getting worse.
- Historical flood data is losing its relevance as changed weather patterns are now causing more regular, deeper and serious flooding events.

- Gardens running to the railway line already flood – what is being done to make sure that already existing houses/gardens do not flood as a result of diverted floor water?
- HGV deliveries during construction could be problematic – low railway bridge signage is poor.

2 representations made neither objecting to or supporting the application. The comments received are summarised below:

- Concern about impacts of incorrectly managed surface water run off.
- Reports do not make clear who will take on responsibility for maintenance of surface water management measures.
- Flooding at The Ford has increased due to poor maintenance of River Sence to south of the Manor Pub. Any permission should be conditional on River Sence being cleared and dredged to its former depth.
- It is not clear if public right of way being diverted or just enhanced?

Relevant Planning History

On adjacent Glen Ford Grange site:

13/0912/1/OX	Erection of 14 dwellings with new vehicular access and parking (including demolition of existing buildings)	Approved 02.03.2015
11/0225/1/OX	Erection of 15 2 storey dwellings, conversion of existing building to form new dwelling with new vehicular access	Approved 12.12.2011
10/0101/1/OX	Outline application for 23 dwellings, conversion of existing building for up to 6 flats	Refused 12.07.2010
96/1187/1/OX	Proposed residential development	Refused 09.01.1997

EXPLANATORY NOTE

The Site

The application site is located on the edge of Glen Parva within an area of land designated as Green Wedge as shown on the Local Plan Policies Map (2019) but also immediately adjacent to the Glen Parva settlement boundary to the north and east.

The site extends to approximately 1.9ha of grazing land and is bound by Little Glen Road to the north, Glen Ford Grange to the east (vehicle repair, recovery and scrap metal premises), a residential property and pasture land to the west and by the River Sence corridor to the south. The perimeter of the site is characterised by hedges and hedgerow trees, including to the site frontage along Little Glen Road. Public Right of Way footpath Z49 runs alongside the eastern boundary of the site providing access to

Blaby which is situated approximately 800m to the southwest of the application site. Immediately to the north is the built-up area of Glen Parva.

The highest point of the site sits adjacent to Little Glen Road with land levels gradually falling to the River Sence. The southern part of the site falls within Flood Zones 2 and 3. Other site constraints include gas main and foul sewer easements which cross the northern part of the site on a roughly east/west axis. Approximately 200m to the east of the site is Glen Parva Manor, a Grade II listed building currently operating as a pub/restaurant. To the south of this is a Glen Parva Moat site, a scheduled monument. The Grand Union Canal, a conservation area, lies to the north beyond the properties fronting Little Glen Road.

The Proposal

This application seeks outline planning permission for residential development comprising of up to 31 dwellings and associated infrastructure and open space, with all matters reserved for future consideration apart from the means of access to the site.

The proposal is a 100% affordable housing scheme. Whilst the housing mix on the site will be determined at reserved matters stage, an indicative mix has been provided following pre-application discussion with the Housing Strategy Team. The indicative mix shows 6 x 1 bed, 20 x 2 bed and 5 x 3 bed houses.

Access is for determination within the scope of the outline application. Detailed access drawings have been provided showing the creation of a new access onto Little Glen Road located roughly centrally within the site frontage. Three new pedestrian crossing points and a central refuge are proposed on Little Glen Road.

Approximately 1.1ha of the site will be public open space providing a local area for play (LAP), footpaths which integrate into the surrounding rights of way network and a detention basin forming part of the site's sustainable drainage strategy. The public open space will also provide opportunities for biodiversity enhancement in order to achieve mandatory Biodiversity Net Gain (BNG) on the site.

Supporting Documents

As an application for outline planning permission, detailed layout plans, floor plans and elevations have not been submitted for consideration at this stage. Nevertheless, consideration is still required as to the principle and amount of development proposed. The key plans and documents are listed below which set out the development proposed:

- Planning application form
- Location Plan
- Illustrative Site Layout
- Drainage Strategy Plan
- Site Access Drawing
- Tree Retention Plan
- Biodiversity Baseline Habitat Plan
- Proposed Biodiversity Habitat Plans

The application is also supported by the following documents which provide further technical information on specific matters:

- Acoustics Assessment – July 2024
- Arboricultural Assessment – April 2024
- Archaeological Desk Based Assessment – April 2024
- Archaeological Evaluation Report – July 2024
- Biodiversity Net Gain Statutory Metric
- Consultation Statement – March 2024
- Design and Access Statement – December 2023
- Design and Access Statement Addendum – September 2024
- Ecological Impact Assessment – September 2024
- Flood Risk Assessment – April 2024
- Landscape and Visual Amenity Review – November 2023
- Phase 1 Geo-environmental Desk Study – October 2023
- Planning Statement – May 2024
- Planning Statement Addendum – September 2024
- Preliminary Ecological Appraisal – April 2024
- Stage 1 Road Safety Audit – August 2024
- Transport Statement – revised September 2024

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.

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 8 outlines that 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

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable Development. It states that plans and decisions should apply this presumption. 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.

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.

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.

There are no protected areas or assets of particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the development proposal. 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.

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 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.

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).

A minimum of 8,740 houses will be developed in the District between 2006 and 2029, of which, at least 5,750 houses will be provided within and adjoining the PUA.

The development site is located within the PUA and therefore within a location considered suitable and sustainable for housing where new development should be directed.

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 contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

Policy CS5 – Housing Distribution

Policy CS5 states that in order to focus new development in the most appropriate locations, the Council will seek to distribute housing by settlement in accordance with the table included in the policy. Development will be focussed towards the PUA and within and adjoining Blaby. The proposed development would make a positive contribution to the District's housing supply in a sustainable location adjoining Glen Parva.

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.

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. Regulation 122 sets out in statute 3 tests against which requests for funding under a section 106 agreement are 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'.

Policy CS16 – Green Wedges

Policy CS16 states that Green Wedges are important strategic areas. They will be designated in order to:

- Prevent the merging of settlements;
- Guide development form;
- Provide a green lung into the urban areas; and
- Provide a recreation resource.

The need to retain Green Wedges 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 takes a positive approach to the conservation of heritage assets and the wider historic environment through a set of criteria which includes ensuring the protection and enhancement of heritage assets and their settings, securing the viable and sustainable future of heritage assets, and promoting heritage assets in the District as tourism opportunities where appropriate.

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 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.

DM2 – Development in the 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.

The policy also states it will apply where development would not be harmful to the functions of Green Wedge or Areas of Separation.

DM8 - Local Parking & 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. The Planning Statement submitted with the application confirms that Plots 2 and 3 will be developed to these standards, for accessible and adaptable dwelling, this will be secured by means of planning condition.

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 reflects the approach in the NPPF towards heritage assets, stating that designated assets and their settings (including Conservation Areas) will be given the highest level of protection. Where less than substantial harm is identified, the scale of harm will be weighed against the public benefits of the proposal. In respect of non-designated heritage assets, policy DM12 states that a balanced consideration will be applied and proposals supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss.

DM13 – Land Contamination and Pollution

Policy DM13 states that development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (September 2024)

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.

Leicestershire Highways Design Guide (LHDG)

The LHDG deals with highways and transportation infrastructure for new developments in areas for which Leicestershire County Council is the highway authority. 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 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 Strategic Green Wedge Assessment (2016)

The report seeks to systematically assess each of the Green Wedges against the four main objections and a series of sub-objectives in order to identify which of the Green Wedges are functioning effectively and those where amendments to the boundaries

could be made as a result of the objective not being met without undermining the integrity of the whole Green Wedge.

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 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.

Strategic Flood Risk Assessment Level 1 and 2 Final Reports (December 2020 and October 2021)

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 the main material planning considerations in the determination of this planning application:

- Principle of the development and 5-year housing land supply position.
- Impact on the Green Wedge and landscape/visual impact
- Affordable housing and housing mix
- Flood risk and drainage
- Design considerations
- Transport and highways considerations
- Historic Environment
- Noise considerations
- Residential amenity
- Ecology and biodiversity
- Open space, sport and recreation
- Land Contamination
- Construction Management
- Developer contributions and infrastructure/ facilities

Principle of development and housing land supply position.

The application site, whilst adjacent to the Glen Parva settlement boundary, lies within designated Green Wedge as shown on the Blaby District Local Plan Policies Map (2019). It is not allocated for development and in this context the development is in conflict with Policy CS16 which seeks to maintain Green Wedges and strictly control development within them. Nonetheless, policy CS16 recognises that the need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations.

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). The application site adjoins the PUA and therefore 'in principle' terms the site is considered capable of delivering sustainable development in a suitable location, consistent with the adopted spatial strategy.

Between 2006 and 2029, the District of Blaby should provide a minimum of 8,740 houses, in accordance with policy CS1. 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.

Opportunities for delivering housing that can facilitate a delivery in the short term within the PUA are limited due to the constrained nature of the PUA and the large scale of sites being promoted for development in the PUA. A development of up to 31

dwellings could therefore provide a moderate contribution towards housing need in the District and specifically within the PUA, consistent with the development plan's spatial strategy.

Furthermore, there is currently an overall under delivery of houses within the District as a whole, with the Council only being able to demonstrate a 3.69-year housing land supply, notably less than the five-year supply requirement outlined in paragraph 77 of the NPPF. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application may be out-of-date. Where this is the case, the 'tilted balance' towards approval as set out in paragraph 11(d) of the NPPF should be engaged.

This paragraph outlines that the 'tilted balance' will apply unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed (Paragraph 11(d)(i); this can include NPPF policies relating to flood risk and designated heritage assets) or any adverse impacts would significantly and demonstrably outweigh the benefits (paragraph 11(d)(ii)). As will be discussed later in the report, the NPPF policies do not provide a clear reason for refusing the development proposed in this case and the 'tilted balance' as set out in paragraph 11(d)(ii) is considered engaged.

It is recognised that the weight assigned to Policies CS1 and CS5 with regard to the distribution of housing development throughout the District is reduced reflecting the Council's lack of sufficient housing supply, nonetheless, the proposed development is not considered to fundamentally conflict with them. Additionally, the site is accessible to services, including pedestrian routes to adjoining areas and Blaby town centre, public transport and key services and facilities and would make a positive contribution to the housing supply. These factors weigh in favour of the proposal and this should be taken into account in the planning balance.

Impact on the Green Wedge and landscape/visual impact

Green Wedge Function

As noted above, the site's location within the Green Wedge requires the application of Policy CS16 of the Core Strategy. This policy highlights that Green Wedges are important strategic areas designated to prevent the merging of settlement, to guide development form, provide a green lung into the urban area and provide a recreation resource. The policy lists appropriate uses within Green Wedges; housing is not included, however, outdoor recreation, footpaths and allotments are acceptable.

Where development would not be harmful to the function of Green Wedges, Policy CS16 continues that development should retain the open and undeveloped character of the Green Wedge, retain and create green networks, retain and enhance public access to the Green Wedge, especially for recreation.

In circumstances where the function of the Green Wedge is not harmed, the explanatory text in the Local Plan Delivery DPD (2019) makes clear that Policy DM2 will also apply. This policy provides more specific policy guidance for development and permits only certain categories of residential development in the countryside (or,

in this case, Green Wedge), 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. The site does not fall under any of the categories identified in Policy DM2.

The site is located within Parcel A of the identified Blaby and Glen Parva (Sence Valley) Green Wedge. The Blaby District Strategic Green Wedge Assessment (2016) reviewed this corridor and concluded that it should continue to be protected, noting that the area contributes to all the functions of the Green Wedge. The River Sence floodplain and mature hedgerows and hedgerow trees assist in preventing the merging of settlements and is generally open and undeveloped in character.

The proposed development is confined to the northern half of the application site nearest to Little Glen Road, retaining the southern half of the site as open space where flood risk associated with the River Sence places a natural constraint on development. Whilst the development would weaken the defensible boundary provided by Little Glen Road to the northern edge of the Green Wedge, the built element of the site would not encroach significantly into the corridor between Glen Parva and Blaby, and in any case no further south than activities on the neighbouring Glen Ford Grange. Development of the site would impact upon the functions of this part of the Green Wedge in respect of the merging of settlements and guiding development form, however, the integrity of the Green Wedge in this area would not be fundamentally harmed.

The site is open grazing land which is largely lacking in any features and presently inaccessible to the public. The proposed development would provide an opportunity for increased biodiversity through appropriate landscaping and an area of public open space which would connect to existing public rights of way (Z49 and Z50) crossing the Green Wedge. In these respects the development would enhance the function of the Green Wedge in this area and accord with criteria (b) and (c) listed in the final section of policy CS16.

In broad principle terms, the proposed development does not fall within any of the forms of development deemed appropriate in the Green Wedge and is therefore in conflict with policies CS16 and DM2, the purpose of which is to protect the open and generally undeveloped nature of the Green Wedge and countryside. However, 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 housing 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. The benefits in terms of public access and improved footpath networks are also noted.

Landscape and Visual Impacts

Policy DM2 also sets out criteria to be met by development proposals in the countryside, or Green Wedge, as relevant. This includes that the development shall be in keeping with the appearance and character of the existing landscape, development form and buildings, having regard to the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape

Characterisation Study, National Character Areas and any subsequent pieces of evidence.

A Review of Landscape Character and Visual Amenity has been carried out based on the Guideline for Landscape and Visual Impact Assessment (3rd edition, GLVIA3). This notes that the site lies within the Leicestershire Vales National Character Area (NCA) and within the county level Upper Soar Valley character area. The Blaby Landscape Character Assessment 2020 identifies that the application site and surrounding landscape lies within the Floodplain Landscape Character Type (LCT) and within the Sence and Soar Floodplain Landscape Character Area (LCA). The landscape to the south lies within the Blaby, Countesthorpe and Whetstone Fringe LCA. The summary of overall character states,

“This character area is large and varied, following the narrow floodplain of the Soar and Sence rivers which flow between the settlements to the south-west of Leicester including Enderby, Blaby, Glen Parva, Narborough, Littlethorpe and Braunstone Town. The character area is a low-intensity managed landscape with a naturalistic feel shaped by riparian vegetation and well-developed hedgerows. The edges of the character area are defined by urban development, which can detract from the landscape where there are hard urban edges.”

When assessing capacity for change in the LCA, the assessment considers that there is an overall moderate landscape sensitivity to residential development and transport infrastructure. However, qualifying this, the assessment goes on to note that areas where the gap between settlements is particularly narrow have an increased sensitivity to all development scenarios as development could reduce the sense of separation and promote their coalescence. The assessment encourages further analysis of landscape sensitivity to assess the suitability of individual sites for a particular development.

The submitted Landscape and Visual Amenity Review does not identify the site as a valued landscape (as this is described in the NPPF) and officers concur with this conclusion. The site is noted to contain few features of landscape interest within the site with the main elements of value being boundary hedgerows and trees, the majority of which will be retained as part of the development. The urban influences of the neighbouring settlement edges and transport infrastructure on the site and local landscape are also highlighted. Nonetheless the change from the current undeveloped landscape to one of housing will have adverse effects on current landscape character.

In respect of visual impacts the submitted review underlines that the site is visually well contained within the wider landscape on account of the screening effects of surrounding woodland, mature trees and hedgerows (which includes woodland to the east), existing built development within Glen Parva on Little Glen Road and the embanked railway line, meaning that the site has a restricted visual envelope. There are opportunities for localised views from the residential properties opposite the site. There are also open and close range views of the site from the adjacent public footpath Z49 alongside the site and from where the route crosses the River Sence. Visibility along the footpath route further to the south is largely prevented by the screening effects of intervening vegetation.

Within slightly longer range views, there is intervisibility between Glen Parva and Blaby and this is acknowledged within the Landscape Review. These views are filtered by trees and hedgerows and relatively contained due to the topography. Properties on Little Glen Road can be glimpsed through the vegetation from Mill Lane, which is well used by pedestrians and which forms part of the National Cycle Network Route 6, and from the PROW network near Hall Farm Close. It is therefore expected that the proposed development will be visible from these visual receptors and the perception of separation between the settlements will be reduced. This effect will, however, be softened by the existing landscape features and, in time, proposed planting will assist in integrating the development into the surrounding landscape.

Overall, the proposed development would result in some adverse impacts on landscape character and on visual receptors which would conflict with Policy DM2. These impacts are, however, largely localised and over time could be mitigated to a degree by appropriate landscaping in accordance with the landscape principles outlined in the submitted Review.

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.

Enabling community and supporting vulnerable residents, including through provision of suitable housing, is a key strategic theme set out in the Blaby District Plan 2024 – 2028. Core Strategy Policies CS7 and CS8 are also supportive of the delivery of affordable housing of an appropriate mix and Core Strategy paragraph 7.7.6 notes that *“Council and Registered Provider led schemes, purchase of existing stock and other sources make an important contribution to the provision of affordable housing”*.

The Blaby Housing Mix and Affordable Housing Supplementary Planning Document provides guidance regarding the interpretation of policies CS7 and CS8, aims to address local imbalances in both the market and affordable housing stock, and aims to optimise the provision of affordable housing to meet identified needs.

This application proposes that all units will be affordable housing. In accordance with policy DM11, the Design and Access Statement states that 5% of the dwellings will also meet Building Regulations M(4)2 standards for accessible and adaptable homes.

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 HENA 2022 shows that a total of 536 affordable houses per year are required to meet the District Council's affordable housing need. This represents a 34% increase on the figures recommended in the Blaby Housing Needs Survey finalised just a year earlier.

The Council's Housing Strategy team has commented on the proposals and has provided a 'Housing Mix Requirements Assessment' (September 2024) which provides detailed analysis and conclusions relating to affordable housing need and provision. In respect of Glen Parva the HENA indicates that 587 affordable dwellings are needed to 2039, representing 61% of the overall projected future housing requirement to 2039. 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. Glen Parva also has a comparatively lower than average number of social housing properties compared to the already low average of the district.

The Housing Strategy Team has discussed the proposed housing types and tenures with the applicants, although it is recognised that the final mix will be agreed as part of a subsequent reserved matters. A condition to this effect is recommended at the start of this report.

The current proposals, whilst small scale, would make an important and positive contribution toward meeting the affordable housing requirements in both Glen Parva, and more widely in the district. Accordingly, the proposals support the aims of the affordable housing and housing mix policies in the Blaby District Local Plan Core Strategy. The provision of the affordable housing would be secured via a legal agreement and, overall, the provision significantly weighs in favour of the development.

Flood risk and drainage

Policy CS22 of the Core Strategy states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.

The application has been supported by a Flood Risk Assessment (FRA) and Planning Statement Addendum that covers matters relating to the sequential test. The FRA identifies that the application site has three fluvial flood zones present on site. Approximately 50% of the site is in Flood Zone 1 with a very low risk of fluvial flooding (less than 0.1% chance of flooding from rivers) with the remaining area split between a thin band of Flood Zone 2 and a larger area of Flood Zone 3 where there is a high risk of fluvial flooding (greater than 1% Annual Exceedance Probability (AEP) of flooding from rivers).

In relation to surface water flood risk, the majority of the site has a low risk from surface water flooding with between 0.1% and 1% chance of flooding each year. Pockets of medium and a zone of high risk surface water flooding are located in the southern extents of the site close to the River Sence. Ground water risk is influenced by the geological characteristics of the area and is considered to be a medium risk of flooding from groundwater flooding.

A surface water drainage strategy has been designed to ensure that the proposed development will not increase flooding elsewhere and attenuation will be provided to accommodate the 1 in 100 year + 40% climate change storm event. Surface water will be disposed via a drainage channel connection to the River Sence with discharge rates restricted to QBar as ground conditions are not favourable to infiltration methods. QBar means the value of the average annual flood event recorded in a river. This flow rate is used to provide a measure of the Greenfield runoff performance of a site in its natural state to enable flow rate criteria to be set for post development surface water discharges for various return periods.

Whilst the detailed design of the surface water system serving the site will be finalised at reserved matters stage, the illustrative layout shows a detention basin, located in Flood Zone 1 within the open space to the south of the proposed housing area to provide water treatment and storage for surcharged water and use of bioretention strips.

Foul water will connect to the Severn Trent Water asset that crosses the site centrally on an east/west axis.

The Environment Agency have been consulted on the application and have raised no objections to the proposals as the built development is contained within Flood Zone 1 and does not encroach into Flood Zones 2 or 3. A condition setting minimum floor levels is recommended. The Lead Local Flood Authority (LLFA) has also raised no objections to the proposals in terms of surface water flooding and has recommended conditions in respect of the detailed drainage scheme and its maintenance.

Though neither the Environment Agency nor the LLFA have objected to the proposals on flood risk grounds, the NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at higher risk. Paragraph 173 sets out that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Applications should be supported by a FRA and development only allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) where specific criteria are met.

In accordance with NPPF paragraph 168, the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, taking into account all sources of flooding.

The applicants have submitted a Planning Statement Addendum addressing the sequential approach. Within this, the applicant has indicated that the development is intended to address some of the substantial affordable housing need on both a District and Parish level in one of the most sustainable areas of the District. The applicant notes that the site only partially lies within Flood Zones 2 and 3 and no built development is proposed in those areas, only Public Open Space. On this basis, the applicant concludes that a flood risk sequential test is not a requirement.

In the applicant's Planning Statement Addendum, recent case law in the Court of Appeal is referred to (*Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities* (2024), which in turn also refers to *Substation Action Save East Suffolk Ltd v Secretary of State for Energy, Security and Net Zero* (2024) as justification for a sequential test not being needed, on the basis that the application of the sequential test is essentially a matter of judgement for the decision taker.

However, the PPG refers to the sequential, risk-based approach being followed to steer new developments to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. In the recent High Court case in *Mead Realisations Ltd. and Redrow Homes Ltd v Secretary of State for Levelling Up, Housing and Communities* it was held that the PPG has the same legal status as the NPPF. Therefore, if an application site is at risk of flooding from any source (including surface water flooding), then the sequential test needs to be satisfied. It is noted, however, that the *Mead/ Redrow* Judgement has been challenged and will be heard by the Court of Appeal and therefore there remains some uncertainty with regards the application of the sequential test.

The Environment Agency has, however, recently published guidance (<https://www.gov.uk/guidance/flood-risk-assessment-flood-zones-1-2-3-and-3b>) which states that applicants may not need a sequential test if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are in areas at risk of any source if current or future flooding.

Notwithstanding the above the Council have determined that it is appropriate to apply the sequential test to this site. In applying this test regard has been had to the alternative sites located within Glen Parva. In total 6 alternative sites have been considered, these are all sites submitted through the Council's Strategic Housing Land Availability Assessment. (SHELAA) and are as follows:

- GPA010 Land at Glen Ford Grange, Little Glen Road, Glen Parva. The SHELAA concluded that the site is not currently available as it is in use by one or more businesses. There have been no recent planning applications on the site since permission expired in March 2018 and the site has not been promoted for development since.
- GPA023 Summit Engineering, Wharf Road, Glen Parva. The SHELAA concluded that the site is not currently available and is occupied by multiple businesses. Time would need to be allowed for their relocation.
- GPA024 Old Piggery, this site is potentially reasonably available but the Council's Level 2 Strategic Flood Risk Assessment (SFRA) indicates 50% of the site is at elevated fluvial flood risk and the site access is likely to be inundated during flood events.
- GPA025 Land West of 23 Little Glen Road is also reasonably available. 11% of this site is a fluvial flood risk with around half of this area is located in the functional floodplain (Zone 3b) with the remaining flood risk area being in Zones 3a and 2. There are also areas of surface water flood risk on site, these are mainly confined to areas close to the site boundaries.
- GPA026 Land South of 111 Little Glen Road, is considered reasonably available. Around 5% of this site is at fluvial flood risk although the area at risk is mainly located in the functional floodplain (Zone 3b), the Level 2 SFRA

indicates that 4% of the site is at surface water flood risk during a 1:100year flood event.

- GPA027 Cork Lane. This site is an allocation included in the Adopted Plan. It has planning permission, is already included in the Council's land supply. It is no longer a reasonable alternative.

In relation to the Little Glen Road site, it is noted that the built development will be contained only within the areas of the site in Flood Zone 1 and generally within areas at very low or low risk of surface water flooding (although there are small pockets at higher risk of surface water flooding). As noted above Glen Parva has widespread flood risk constraints on other undeveloped land to the south of Little Glen Road, but the application site contains the development within Flood Zone 1, which can be controlled by condition. As such, it is considered that the site is sequentially acceptable and suitable for the development proposed.

Design Considerations

Policies CS2 and DM2 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. They further seek 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 Policies CS2 and DM2 are consistent with the NPPF paragraph 131 and can therefore be given full weight.

Little Glen Road is characterised by an established ribbon pattern of post war development within the vicinity of the site with late 20th century 'cul-de-sac' style developments located further to the east and extending into the adjacent Oadby and Wigston authority area. Houses are predominantly two storeys in height and either semi-detached or detached.

The illustrative masterplan is not for approval at this stage but provides details of how the site could potentially be developed. The suggested layout shows a single point of access and a 'T' shape road arrangement with housing located in the northern part of the site and open space located to the south. Given the site constraints, particularly the gas pipeline which crosses the site frontage, the applicant has been asked to consider in broad terms how the development could best address Little Glen Road at this outline stage. Revisions to the illustrative layout provide reassurance that an acceptable scheme is achievable in respect of streetscene impact. Dwellings are indicated to be arranged in a perimeter block arrangement with dwellings fronting onto streets and connectivity through the site. Additional replacement landscaping is indicated to Little Glen Road where hedgerow removal is required to facilitate access and public footpath provision.

Retention of existing landscape features and new landscaping is indicated to the southern part of the site where a footpath is shown connecting to adjacent public rights of way. A Local Area for Play is also incorporated within this area.

The proposed density of the development (based on developable area) is 31 dwellings per hectare. Whilst this is denser than the ribbon style of development on the northern

side of Little Glen Road, it is similar to the late 20th century developments nearby and is considered acceptable for the location, particularly taking into account the smaller size of the properties proposed (mostly 1 and 2 bedroom dwellings) and the urban edge location and accessibility of the site.

In summary, it has been demonstrated at this outline stage that the site could deliver a development of acceptable design which would be compliant with policies CS2 and DM2.

Transport and highways considerations

Site Access

Access is a matter for detailed consideration in this application. The application proposes to create a new vehicular access onto Little Glen Road, which is a classified B-road subject to a 30mph speed limit. Given the road classification of Little Glen Road, the Local Highway Authority (LHA) has considered the proposed development against section IN5 of the Leicestershire Highway Design Guide (LHDG). Speed survey data has been submitted within the Transport Statement which recorded 85th percentile speeds of 31mph (eastbound) and 33mph (westbound). Taking into account the characteristics of the road and the absence of capacity issues, the LHA considers the creation of a new access on Little Glen Road to be acceptable.

The proposed access would have a minimum carriageway width of 4.8m and 6 metre corner radii. 2 metre wide footways would flank both sides of the bellmouth. Vehicular visibility splays of 2.4m by 49m and 2.4m by 54m have been demonstrated to the northwest and southeast of the access respectively. Tracking of the access has demonstrated two cars accessing/egressing the site concurrently and a refuse vehicle undertaking access and egress manoeuvres in all directions. The geometry of the site access is deemed to be satisfactory by the LHA.

A central pedestrian refuge is to be provided on Little Glen Road given that there is no footpath along the southern side of Little Glen Road. The proposed carriageway widths alongside the refuge and taper markings have been revised to accord with LHA requirements and are considered acceptable.

Impact on the road network

The applicant has provided evidence of potential trip generation associated with the development. This has been reviewed by the LHA who is satisfied that the development would not have any significant impacts on the transport network in terms of capacity and congestion. 15 Personal Injury Collisions (PICs) have been noted along the B582 between the A426 Leicester Road and the B5366 Countesthorpe Road/Saffron Road junction. The LHA has considered the circumstances of the PICs and agrees that there are no existing highway safety issues in the vicinity of the site which would be exacerbated by the development.

Public Rights of Way

The LHA recommend that a scheme for the treatment of footpaths Z49 and Z50 is submitted including the provision for their management during construction, surfacing width, signing and landscaping. As suggested by the LHA, these details can be appropriately required by planning condition.

Walking, cycling and wheeling

The site is within a 1 kilometre walking distance of Blaby village centre and a 1.5 kilometre walking distance of South Wigston town centre. A range of services and facilities are accessible within this distance, including local shops, education facilities, health facilities (i.e. a doctor's surgery and chemist), places of worship, parks and recreational facilities. Walking is therefore a potential mode of travel for future residents. Whilst footway provision along Little Glen Road is generally satisfactory, it is noted that there is no existing footway on the development side of the road along the site frontage. New crossing facilities are to be created to improve pedestrian connection to the site.

The site is within a 5-kilometre cycle distance of Blaby, South Wigston, Wigston, South of Leicester, Fosse Park / Meridian Business Park, and other nearby settlements. Cycling is therefore a potential mode of travel for future residents. It should be noted that Figure 5.7 of the South of Leicester LCWIP indicates that Little Glen Road is a primary link in the cycle network.

Public transport

The nearest bus stop is on Monmouth Drive some 600-metres walking distance from the site with frequent services to Leicester. There are also bus stops on Leicester Road (A426) some 850 metres from the site which have frequent services to Leicester, Blaby, Broughton Astley, Lutterworth, Countesthorpe and South Wigston. Whilst these stops are located beyond the maximum 400-metre distance generally recommended), the LHA still considers that bus travel could be a potential mode of transport for future residents.

The nearest railway station is South Wigston some 1.8 kilometres from the development site, with services to Leicester, Nuneaton and Birmingham. The LHA therefore considers that rail travel could be a potential mode of transport for future residents.

The LHA considers that the first residents of each dwelling should be offered up to two free bus passes valid for six-months to encourage modal shift to bus travel. This could be secured by way of a Section 106 agreement.

Historic Environment

Policies CS20 and DM12 seek to preserve and enhance the cultural heritage of the District and recognise 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. In respect of non-designated heritage assets, policy DM12

states that a balanced consideration will be applied to proposals which may impact on these assets.

Designated heritage assets

To the east of the site lies the Grade II listed Glen Parva Manor, a late 16th or early-17th century timber framed building which has been extended and modernised and the Scheduled Moat and Hut Circle at Glen Parva. The development is considered to lie within the wider setting of the Grade II listed Manor and the Scheduled Monument. The statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) therefore applies. This requires that special regard must be given to the desirability of preserving the listed building or its setting.

NPPF Paragraph 205 notes 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 paragraph 206 requires that any harm should require clear and convincing justification.

In terms of impacts, the presence of existing buildings between the application site and The Manor and the Scheduled Monument make it difficult to establish harm within the immediate or intermediate setting of these assets. The erosion of the openness afforded by the space to the west/northwest of these assets would potential erode some of the historic rural character but the inability to see or experience the application site from the listed building and scheduled monument (and vice versa) mean it would be difficult to attribute a level of harm to heritage significance above the lowest end of scale of 'less than substantial' harm to the setting of these assets.

Non-designated heritage assets

The site itself does not contain any heritage assets, however, the neighbouring property to the east, Glen Ford Grange, an historic former farmstead, is described on the local Historic Environment Record (HER). It therefore warrants consideration as a non-designated heritage asset. The existing open and rural character of the surroundings makes a positive contribution to the setting of Glen Ford Grange, however, it is acknowledged in the comments of the Conservation Officer, that some of the buildings referenced in the HER have potentially been demolished and the structural integrity of the buildings on the site frontage have been declining over time.

Though the setting of this building would be compromised to a degree by the erosion of the openness around the non-designated heritage asset, the current condition of the site and existing uses are considered to be potentially causing greater harm to the heritage significance of Glen Ford Grange than the proposed development. The Conservation Officer concludes that the level of harm would be no greater than the lower end of the scale of 'less than substantial harm'.

Archaeology

The application site has been subject to a desk based archaeological assessment, a geophysical survey, an earthworks survey and archaeological evaluation by trial trenching. The DBA identified potential for Roman and medieval activity within the site

which could be of regional significance. The evaluation report notes that a wider range of archaeological features was encountered through trial trenching than expected, including a pair of ditches at the eastern side of Romano-British date. Various other indications suggestive of medieval or post-medieval activity on the site were found. Taken together the assessments show that the site lies within an area of significant archaeological potential.

The Leicestershire County Council Archaeology team has been consulted and considers the current results are sufficient to support the planning decision. Given the site's archaeological potential and the fact that some areas of the site were excluded from intrusive evaluation, the archaeologist has recommended an initial stage of post-determination trial trenching to inform a final mitigation scheme, followed by an excavation of the developable area. Whilst the current information is sufficient to support a decision, further post-determination trial trenching will be required. A condition is recommended to require a Written Scheme of Investigation to be submitted and agreed, and archaeological investigations to then be carried out.

Conclusions

On the basis of the further archaeological investigations being carried out, the application is considered to comply with Policy CS20 of the Core Strategy and Policy DM12 of the Delivery DPD. In respect of the impact on non-designated and designated heritage assets, the Conservation Officer advises that any 'less than substantial harm' to the setting of assets would be at the lowest end of the spectrum. The proposed development would deliver public benefits, notably the provision of affordable housing in the context of a significant shortfall in the district and, more generally, in the absence of a 5-year housing land supply. These public benefits are considered to outweigh the low levels of harm to heritage significance.

Noise considerations

Policy DM2 seeks to ensure that development 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

The application site is adjacent to various noise sources, including vehicular traffic along Little Glen Road, the adjacent commercial premises and the Birmingham to Peterborough railway line. In light of this, the development proposals have been supported by an Acoustics Assessment (July 2024). This noise report has considered all the relevant noise sources having regard to the appropriate British Standards.

The Environmental Services team have been consulted in respect of potential noise impacts. Overall, the impact on the site will be low with the provision of appropriate mitigation. This is likely to comprise standard fencing where gardens have a line of sight to a noise source and glazing and ventilation solutions, including use of window mounted trickle vents.

As the site layout is illustrative only, a revised noise impact assessment will be required, together with a Level 2 Acoustic Ventilation and Overheating (AVOG) assessment, which considers the finalised site layout. This can be secured by condition. Noise is not therefore considered to be a constraint to residential development of the site.

Residential amenity

Existing residents

Given the application seeks outline planning permission with all other matters except access reserved, it is not possible to fully determine the degree of impact upon the amenities of existing residents or future occupiers of the development without final details of layout, scale and appearance which will be fully assessed at the detailed Reserved Matters stage.

The nearest existing residential property to the application site is 65 Little Glen Road. This is a detached dwelling set within generous grounds and largely screened around its boundary with the application site by 2m high conifer hedging. The illustrative layout indicates a separation distance in excess of 30m between the rear of 65 Little Glen Road and the front elevation of Plot 12. Approximately 18m separation is indicated between the side elevation of no. 65 and the nearest building on the site frontage. Given the distances that could be achieved between the proposed dwellings and no. 65 Little Glen Road, it is not considered that the amenities of this property would be harmed by the development.

The four residential properties directly opposite the site are set back significant distances from Little Glen Road. The property directly opposite the proposed site access (50 Little Glen Road) is positioned approximately 40m to the north of the highway with a substantial front garden and parking area behind a conifer hedge on the front boundary. Given this separation, it is not considered that the amenities of these neighbouring dwellings would be adversely affected.

Future residents

In terms of the residential amenity of future occupiers of the site, the illustrative masterplan shows that suitable orientation and separation distances between dwellings is achievable within the development, allowing for back-to-back distances of dwellings of approximately 20 metres in most cases. Each property shown on the illustrative layout also benefits from a garden area. Overall, the proposals are assessed as being capable of securing satisfactory amenities for future occupiers of the site. Consideration is given to noise impacts on residential amenities in the section above.

The application is therefore considered to comply with Policy DM2 of the Local Plan.

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. Updated Policy CS15 of the Delivery DPD states that the District Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities, access to the Countryside and links to the existing footpath, bridleway, and cycleway network.

In order to achieve this, policy CS15 sets standards for the provision of open space, sport and recreation per 1000 population in the District, and indicates that these standards will be used to ensure that development proposals provide sufficient accessible open space, sports and recreation, taking into account any local deficiencies. It states that new on-site provision or, where appropriate, financial contributions to improve the quality of, or access to existing open space, sport and recreation facilities, will be expected and commuted maintenance sums will be sought.

Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document includes guidance to support the Local Plan in relation to open space, sport and recreation requirements for developer contributions. Its states that open space and play facilities should normally be provided within the development where the area is of sufficient size to be of recreational value.

On-site open space provision

Based on the requirements of Policy CS15, the table below outlines the amounts of public open space required to serve the development. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of 31 dwellings would have a total population of 74 people). This is consistent with the average estimated household sizes in the 2021 Census of 2.42 for Blaby District.

The application details that a total of 1.15ha of open space can be provided on site, exceeding the overall required quantum and also showing an overprovision for each of the typologies being provided on site. It should, however, be borne in mind that some areas may have limited access for Biodiversity Net Gain purposes. The Section 106 agreement can ensure that a minimum amount of open space is provided and maintained on the site.

Type	Policy CS15 standard ha/1000pop	Development Requirement in ha	On-site Provision (ha)
Parks and Recreation Grounds	0.23	0.02	0.06
Natural greenspace	2.6	0.19	0.72
Informal Open Space	1.0	0.07	0.28
Provision for children and young people	0.06	0.01	0.02
Allotments and community gardens	0.25	0.02	0.07
Total Open Space (ha)		0.32	1.15

Off-Site Contribution

Updated Policy CS15 sets a standard of 0.21ha per 1000 population for cemeteries with a desirable access standard in walking distance of 1200 metres. The Open Space Audit 2015 records that Glen Parva currently has no cemetery provision. Cemetery provision in Blaby, which would be within the desirable walking distance of the site shows a surplus of 1.35ha, even taking into account updated population figures. However, in recognition of other developments pending consideration within the Blaby area, an off-site contribution should be included within the S106 head of terms, subject to the contribution being fully justified and compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Given the scale of development, and in consultation with the Council's Health and Leisure team, no contribution is being sought for off-site sports provision.

Ecology and Biodiversity

Ecology Appraisal

Policy CS19 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.

The application has supported by a Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain Summary Note and survey results in relation to bats and badgers. The Appraisal identified no internationally or national designated site within the vicinity of the application site, however, seventeen Local Wildlife Sites (LWSSs) are located within 1km of the site, the nearest being the Grand Union Canal to the north.

The PEA identifies suitability for badgers and bats and surveys confirm an active badger sett, although its size means that it is likely an outlier or subsidiary sett. Low numbers of common and widespread bat species were also confirmed during survey work with activity mostly focussed on the western boundary hedgerow and river. A single mature ash tree on the site frontage was noted to have potential roosting features and this is indicated to be retained on the illustrative layout. Other species considered in the PEA included otter and water vole, reptiles and great crested newts, however no evidence of these species was found.

This initial work has subsequently been updated with an Ecological Impact Assessment (EcIA), largely due to survey work on grassland within the site having been carried out outside of the optimal survey window, which undermined the robustness of the baseline data provided for the metric. Seasonal bat activity surveys using static bat detectors were also subsequently undertaken. As the development will retain the vast majority of hedgerow habitat and trees, significant bat habitat loss will be limited to the loss of low value grassland.

Recommendations are included within the EcIA to manage or mitigate development impacts, including the submission of a Construction and Environmental Management Plan (CEMP) and updated badger surveys, bat and bird box installation.

The Leicestershire County Council Ecologist has commented on the submitted reports and considers that they are acceptable. The County Ecologist has recommended that a condition is imposed requiring that an updated badger survey is submitted at reserved matters stage to inform whether a licence will be required. In order to mitigate potential impacts to protected species during the construction phase it is recommended that a CEMP is submitted by way of condition.

Biodiversity Net Gain

The application is subject to mandatory Biodiversity Net Gain (BNG) and will be subject to the BNG condition. The submitted BNG metric is deemed to be acceptable by the County Ecologist and a 10% net gain in both area and linear habitats through on site habitat creation and enhancement has been demonstrated. As this is an outline application and masterplan is illustrative only, the BNG metric will need updating at reserved matters stage and should be accompanied by a draft gain plan showing how net gain will be achieved. In any case, and as per the mandatory BNG condition, a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) will be required prior to development.

Arboricultural Impacts

The application has been accompanied by a Tree Survey incorporating an Arboricultural Impact Assessment. The proposed development retain all three individual trees (one a Category B tree on the site frontage) and the vast majority of group trees, with some partial removal of Group 1 (Category C) for a relatively short section along the eastern boundary. Some hedgerow will be require removal on the site frontage, to create the access and provide a public footpath. The applicant has agreed to carry out replacement planting behind the new footpath and a condition is recommended to this effect.

The Council's arboricultural advisors at Leicestershire County Council consider that the submitted Arboricultural Assessment specifies appropriate protection recommendations to retain trees and hedges to the borders of the site. A condition is therefore recommended to ensure that development proceeds in accordance the report recommendations and that trees are retained within the development where indicated.

Land Contamination

Policy DM13 requires that development proposals demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution can be satisfactorily mitigated.

A Phase 1 Geo-Environmental Desk Study has been submitted in support of the application. This concludes that the main sources of contamination are likely to be from pesticides or oils from farm machinery and processes. The adjacent commercial site may present an off-site source of contamination although the study comments that pathways for migration onto the site are likely to be low. The study reports a low risk of contamination, however, recommends that an intrusive site investigation should be undertaken to confirm this and the suitability of ground conditions for construction.

The Council's Environmental Services team has been consulted and has recommended that a Phase II intrusive investigation is submitted with the reserved matters given the proximity to a site where it is known that vehicles have been dismantled for scrap. This will ensure that any necessary mitigation can be considered within the design stage. A condition is recommended to secure this, as well as conditions requiring any necessary remediation to be undertaken, followed by appropriate validation.

Therefore, the development is acceptable in regard to Policy DM13 of the Council's Local Plan (Delivery) Development Plan Document (2019) (Delivery DPD) subject to the imposition of conditions.

Construction Management

The Council's Environmental Services team has advised that the proposed scheme lies in close proximity to existing residential properties, which are likely to be adversely affected by the construction phase of any approved scheme. A suitable condition requiring the submission of a Construction Management Plan with any reserved matters application to control off-site impacts caused by noise, vibration, airborne emissions including dust, lighting, operating/ working hours, and the impact from construction traffic. This document can be combined with the Construction Traffic Management Plan requested by the Local Highway Authority.

Developer contributions and infrastructure/ facilities

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of development. 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 are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under Section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority.

Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, as set out in Regulation 122 of The Community Infrastructure Regulations 2010. Planning obligations, the form of Section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.

Planning obligations are sought in line with the 'Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (recently adopted).

The following contributions have been requested:

Leicestershire County Council Education Provision

The development is expected to yield 8 primary age children and schools within the 2-mile catchment will have a nil deficit if the development goes ahead. No contribution is therefore requested.

Regarding secondary education, the development will yield 5 secondary aged children. However, a contribution in respect of secondary education will not be required as there is still a surplus of 587 places in schools within a 3 miles catchment of the development if the development goes ahead.

For the post-16 sector the development will yield 1 child. Schools within the 3 mile catchment of the development have a surplus of 206 places if the development goes ahead and no contribution is therefore requested.

Regarding SEND education, the development will yield 2 SEND children. However, no SEND contribution is requested as the County Council have a policy of not seeking developer contributions for SEND education on developments proposing fewer than 100 dwellings.

Libraries

The nearest library to the development is Blaby library and it is considered that the development will create additional pressures on the availability of facilities at that library and others nearby. A contribution of £845.54 is sought to provide improvements to the library and its facilities.

Waste contribution

LCC has requested a contribution towards the nearest waste collection facility at Whetstone based on the additional site pressures due to the proposed 26 dwellings and would contribute towards its development or any increased capacity requirements. A contribution of £739.97 is sought to be used for site reconfiguration, including the development of waste infrastructure to increase the capacity of the Whetstone Household Waste and Recycling Centre (HWRC), or any other HWRC directly impacted by the development.

Health Care

The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £24,006.40 for GP surgeries to help mitigate/ support the needs arising from an increase in population. The ICB requests that the funding is allocated for use either at any named GP Surgery or to develop alternative primary/ community healthcare infrastructure that will be directly impacted. The ICB response identifies

Northfield Medical Centre as the GP provision that would be directly affected by growth, however, the ICB request a flexible approach to the use of the funding.

Blaby District Council Refuse Bins

The recently adopted Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document (September 2024) sets out that the Council will seek and encourage developers to make contributions appropriate to provide suitable facilities for recycling and waste collection, for example wheelie bins. Paragraph 4.3.34 notes that to cover the cost of bins for refuse and recycling, £49.00 per household will be sought on all major schemes. A contribution of £1,519 would therefore be required of a scheme of 31 dwellings.

Summary

The planning obligations which have been requested and are deemed necessary to mitigate the otherwise unacceptable impacts of this development and comply with the requirements of policy are set out in the recommendation at the beginning of this report. The applicant has agreed, in principle, to the planning obligations requested, with the final amount of some of the obligations being subject to further discussion and negotiation before being finalised. The Section 106 agreement will be completed and signed prior to any planning permission being issued.

Waste Management

Amongst other things, Core Strategy Policy CS23 seeks to ensure that waste collection is considered in the design of development including maximising recycling facilities. The provision of refuse collection has been considered as part of the urban design considerations. During the course of the application the applicants have amended the submitted plans to ensure that waste collection can be satisfactorily achieved from the new development in lines with their guidance, this includes, bin storage areas to the front of properties located along private drives, which will be designed to match the external materials of the related dwelling.

Sustainability and Climate Change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. The policy states that new development will be focussed in the most sustainable locations, in accordance with Policy CS1 and Policy CS5. As identified when considering the principle of development, the site adjoins the Principal Urban Area of Leicester and is therefore considered one of the most sustainable locations for new housing development, in accordance with Policies CS1 and CS5.

Policy CS21 also seeks to reduce energy demand and increase efficiency through appropriate site layouts and sustainable design features. This includes providing for safe and attractive walking and cycling opportunities, utilising landform, building orientation, etc. to reduce carbon consumption, supporting Governments zero carbon buildings policy and encouraging residential development to achieve Code for Sustainable Homes level 3, and encouraging the use of sustainable materials and construction measures. Finally, Policy CS21 also encourages the use of renewable,

low carbon and decentralised energy and supports renewable and low carbon energy generation.

Given that Policy CS21 was adopted in the Core Strategy in February 2013, several the measures referred to (such as the zero carbon buildings policy and Code for Sustainable Homes level 3) are now outdated. Furthermore, energy efficiency standards are now set at a national level through the Building Regulations, and this will be strengthened through the Future Homes Standard within the next two years. As such, it is not considered that the District Planning Authority has a policy position to be able to require higher energy efficiency standards to the proposed development.

The applicants confirmed that Electric Vehicle Charging Points and Air Source Heat Pumps will be provided throughout the development, these will be conditioned on any decision. The drawings indicate solar panels to the roof of the proposed dwellings, which will be defined during energy performance rating tests of the buildings (SAP), the worst-case scenario has been shown on the plans for the extent of the panels. These measures will provide lower carbon technologies throughout the development.

Overall Planning Balance and Conclusion

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

However, as set out in the report above, it is acknowledged that the Council can only demonstrate a 3.69-year housing land supply. 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 provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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 'significantly and demonstrably' outweigh the benefits in order to refuse planning permission.

The proposed development would provide up to 31 dwellings in a location which has already been identified within Policy CS1 as being a suitable and sustainable location for new development, with access to key facilities and public transport within walking and cycling distance of the site. Furthermore, the development provides a fully affordable housing scheme in a location where there is a significant need and limited opportunities to meet this need. Whilst the development site is located within an area partially within Flood Zones 2 and 3 and with pockets of higher surface water flood risk, the illustrative site layout shows that the development would be contained within Flood Zone 1, and the other sites included in the SHELAA and put forward in the recent

call for sites for the new Local Plan are either not considered available or would have similar flooding constraints.. It is considered that the development can satisfactorily mitigate and manage surface water risk within the site and not increase flooding elsewhere, and the Environment Agency and Lead Local Flood Authority do not object to the development.

The development would be located in an area of Green Wedge and does not fall within any of the forms of development deemed appropriate in the Green Wedge and is therefore in conflict with policies CS16 and DM2, the purpose of which is to protect the open and generally undeveloped nature of the Green Wedge and countryside. The development would also result in some adverse impacts on landscape character and on visual receptors although these are largely localised and could be mitigated over time to a degree.

There are no technical issues or constraints which cannot be appropriately addressed or mitigated, and the contributions are requested where appropriate to mitigate the impacts of the development where necessary and make it acceptable in planning terms.

In conclusion, whilst the site is located within a Green Wedge where such development which has not been allocated in the Local Plan would not normally be permitted, it is acknowledged that in the context of the Council's lack of five year housing land supply and the 'tilted balance', the provision of housing carries significant weight in the planning balance. Other benefits include the provision of much needed affordable housing in a location where there is significant need, economic benefits during the construction phase and to the local economy through household spending, improvements to local infrastructure and provision of on-site open space and enhancements to biodiversity.

Overall, the proposal would conflict with some policies of the Development Plan but in the context of the 'tilted balance', as set out in paragraph 11d of the NPPF, any harm is required to significantly and demonstrably outweigh the benefits of the development in order to refuse planning permission. In this context, and accounting for the significant contribution which the development makes to housing land supply, it is not considered that the harms identified significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to the conditions set out at the beginning of this report, and a Section 106 agreement to secure the obligations listed.

24/0746/FUL

**Registered Date
6 October 2024**

Blaby District Council

Alterations to existing entrance to Bouskell Park car park to provide widened vehicular access and new footpath

Bouskell Park, Welford Road, Blaby

**Report Author: Helen Wallis, Senior Planning Officer
Contact Details: Council Offices. Tel: 0116 272 7698**

RECOMMENDATION:

THAT APPLICATION 24/0746/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. 3-year time limit condition
2. Approved plans
3. Drainage to be installed as per approved plans and maintained thereafter.
4. No drainage into the public highway.
5. Highway surfacing in bound material
6. Gates hung so as to open inwards
7. Details of design of pedestrian and vehicular gates and any sections of replacement railings to be submitted and approved and installed and retained thereafter.
8. Submission of arboricultural method statement and development to be carried out in accordance with approved details.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee for determination as Blaby District Council is the applicant.

Policy and Relevant Legislation

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

Policy CS2 – Design of New Development
Policy CS14 – Green Infrastructure
Policy CS18 - Countryside
Policy CS19 – Biodiversity and Geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS24 – Presumption in Favour of Sustainable Development

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

Policy DM2 – Development in the Countryside
Policy DM8 – Local Parking and Highway Design Standards
Policy DM12 – Designated and Non-designated Heritage Assets

Blaby Neighbourhood Plan (2018)

Policy BNP1 - Character and Environment (Character area D)

Policy BNP3 - Countryside

Policy BNP8 – Design of New Development

National Planning Policy Framework (2023)

National Planning Policy Framework (NPPF) 2024 (consultation)

National Planning Practice Guidance

Other relevant documents

Blaby District Plan 2024 – 2028

Blaby District Council Car Parking Strategy 2022 – 2027

Planning (Listed Buildings and Conservation Areas) Act 1990

Consultation responses

Blaby District Council, Environmental Services – Additional information required in respect of drainage. This can be submitted in order to discharge a condition. A Construction Environmental Management Plan (CEMP) should be submitted to address impacts from noise, vibration, dust and lighting.

Further comments provided on receipt of additional information (October 2024) – Clarification has been provided on an amended plan and proposed drainage is not likely to result in any off-site impacts. Drainage should be installed and maintained appropriately. Having considered the extent of likely works involved in the proposed scheme, a CEMP is not necessary. Advisory note should be added.

Blaby Parish Council – *“Blaby Parish Council can see no good reason to wide the entrance or pathway to Bouskell Park but from a planning perspective the Parish Council agree with Leicestershire County Councils comments requesting that an independent road safety audit should be undertaken and submitted to support this application.”*

Leicestershire County Council, Ecology – No objections. The works are more than 10 metres from the nearby watercourse and will take place on existing hard standing or amenity grassland. Impacts of the works on ecology is likely to be minimal.

Leicestershire County Council, Forestry – Comments awaited.

Leicestershire County Council, Highways – Further information required. Access design and positioning of gates are in accordance with the Leicestershire Highway Design Guide (LHDG). New linear slotted drain welcomed. A Stage 1 Road Safety Audit (RSA1) and designer’s response should be undertaken and submitted.

Representations

19 letters of representation received objecting to the development and raising the following issues:

- Access does not need widening – it currently slows vehicles down when entering and exiting and restricts size of vehicles so there are no caravans camping in the car park.
- Widening entrance will make junction with Welford Road and Freer Close more dangerous.
- Wasting public money on “improving” what already works ok.
- Widening entrance allows more cars to use car park increasing chance of accidents.
- Car park acts as park and ride scheme for local primary school. Charging for parking will stop this. New scheme should be implemented to stop congestion.
- As part of Blaby’s active travel strategy safe and secure bike parking should be provided in Bouskell Park redevelopment.
- Why invite comments during so-called consultation period for the alterations to the car park while at the same time announcing closure of the car park – fait accompli.
- No need for large sums of money – natural park that needs little upkeep.
- No one has any intention of paying parking fees.
- Oakfield Park offers free parking so people will park there.
- Car park used by shoppers already avoiding parking centres in Blaby.
- People will park on other streets and clog up roads and cemetery car park.
- Should aim be to positively encourage people to enjoy all that Blaby has to offer rather than to deter them with car parking charges.
- Not necessary to change gates and will incur unnecessary costs.
- Increased parking on roads will make it more dangerous for pedestrians and the disabled.
- Will reduce number of families visiting the Park – they will go elsewhere.
- Changed gateway will alter the look of the park and change rustic look and appeal of park.
- Alterations to car park will damage wildlife habitat and will create light pollution.
- Money would be better spent on a crossing so people can cross Welford Road safely to access park.
- Due process not followed as works have already started.
- Not all of plans can be covered by permitted development in a Conservation Area.
- Council not working in interests of its residents.
- Cameras on Freer Close and Welford Road won’t pick up impact of parking whilst main entrance is closed as people will park nearer to alternative entrances on Hospital Lane/Mill Lane. Also fewer visitors than April to September.
- Work has started on site prior to permission being granted and prior to S278 approval for the access works.
- Contamination of watercourse from works on site.
- No plans on site proposals that involve extending the car park.
- Park was gifted to the community and shouldn’t be charged to use it.

- Surprised no interceptor required as storm water appears to discharge directly into the watercourse. SuDS feature will not work with low soakage rates and run off from car park will contaminate the watercourse.

1 letter of representation neither objecting to or supporting the development raising the following issues:

- Is it possible to have a staggered bar arrangement on both sides of the pedestrian access to prevent motorcycles and other motor propelled transport from entering the park with the gates are closed to prevent anti-social behaviour.
- What arrangements will there be to access the park whilst the works are being done?
- Double yellow lines should be put on Welford Road to the south of the access to prevent congestion and accident risk.

Relevant Planning History

None.

EXPLANATORY NOTE

The Site

The application site comprises the access bellmouth, between the Welford Road carriageway edge and park gates, and associated sections of footway and verge serving Bouskell Park, Blaby.

Bouskell Park car park and the park itself are located to the east of the application site. Directly opposite the site on Welford Road are residential properties.

The site is located within the designated Blaby Conservation Area and countryside, although it lies immediately adjacent to the Blaby settlement boundary as shown on the adopted Policies Map (2019).

The Proposals

The application proposes alterations to the Bouskell Park access. The entrance road is to be widened from approximately 5.8m to 7.5m and 6m corner radii provided on both sides of the access. New tactile paving is proposed to be installed on the footway on both sides of the access.

On the southern side of the access a new hard surfaced footpath is proposed to provide continuous pedestrian access from Welford Road into the car park. The separated pedestrian gate on the northern side of the access will be retained.

Planning permission is required for the works as they entail alterations to a means of access onto a classified road, Welford Road.

Planning Considerations

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 consider the proposed development against the policy background and then consider any other material considerations.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) establishes the key principles for pro-actively 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

The NPPF sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development.

National Planning Policy Framework (NPPF) – Consultation 2024

The government is currently consulting on their proposed approach to revising the NPPF. However, there are no changes which are considered to materially affect the determination of this planning application.

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 following policies are the most relevant to the proposed development:

Policy CS2 – Design of New Development

Seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

Policy CS14 – Green Infrastructure

It is stated in policy CS14 that Blaby District Council will seek to protect existing, and provide new networks of multi-functional green spaces. It is noted that green infrastructure can include green areas that are valuable for their biodiversity, for cultural importance and areas that contribute to the health and quality of life of communities.

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.

Policy CS19 Biodiversity and Geo-diversity

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. The development site has been assessed for its habitat and species quality and it is not considered that the proposal will significantly impact on the biodiversity and geo-diversity.

Policy CS20 Historic Environment and Culture

When considering development proposals on, in or adjacent to historic sites, areas and buildings, Policy CS20 seeks to ensure development protects and enhances heritage assets and their settings and avoids harm to the significance of historic sites, buildings or areas, including their setting (criterion (a)). Policy CS20 also expects new development to make a positive contribution to the character and distinctiveness of the local area (criterion (b)).

Policy CS24 Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that plans and decision making should apply a presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals the District Council will take a positive approach and will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

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

Policy DM2 – Development in the Countryside

Policy DM2 supports the strategic policy approach set out in Core Strategy Policy CS18 and provides more detailed guidance on appropriate development in the countryside. The policy provides general criteria against which development proposals should be assessed. These require that the development is in keeping with the appearance and character of the existing landscape, development form and buildings, noting that the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment (criterion (a)). Development should also provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)).

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG).

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.

Blaby Neighbourhood Plan

Policy BNP1- Character and Environment

Policy BNP1 seeks to ensure that all new development creates a sense of place appropriate to its location by reflecting the principal characteristics of adjacent area(s) in regards to scale, layout and materials. The site lies within the Conservation Area (identified as Character Area D in the Neighbourhood Plan).

Policy BNP3 – Countryside

Policy BNP3 states that the area designated as Countryside would not be suitable for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.

Policy BNP8 – Design of new development

Policy BNP8 requires that new development within Blaby incorporates design features which enhance and complement Blaby's important housing, commercial and historic character. Within the Conservation Area the policy seeks to deliver good design through appropriate use of materials, scale and massing, ensuring consistent landscape features and detailing that is reflective of the care and attention in traditional buildings in the Conservation Area.

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 considered the main material considerations in the determination of the proposal:

- Impacts on heritage assets and visual impact
- Impacts on trees
- Impacts on highway safety

Other matters material to the consideration of the proposals are drainage, residential amenities and ecology.

Heritage assets and visual impact

The application site is located within the designated Blaby Conservation Area and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. This requires that local planning authorities pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Policy CS20 of the Blaby Local Plan (Core Strategy) DPD 2013 and Policy DM12 of the Blaby District Local Plan (Delivery) DPD 2019 are also relevant.

The policies reflect the emphasis set out in paragraphs 205 to 209 of the NPPF in respect of considering potential impacts. Paragraph 205 notes 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 any harm should require clear and convincing justification (paragraph 206).

The site is also located within the designated countryside, where policies CS18 and DM2 will apply.

The works proposed to the access are minor in nature and will not materially alter the appearance of the entrance into Bouskell Park. The introduction of tactile paving, white lining and a modest increase in hard surfacing are what may typically be expected of an entrance into a public park and are similar to the features currently present on the site. As the access will be widened slightly, new gates into the park will be required. These are stated to be new swing gates to match the existing

(currently black curved top railing style). This design matches the design of the railings around the park entrance and is considered acceptable. Full details of the new gates, however, can be required to be submitted and approved by condition. The existing railings around the perimeter of the access will be unaffected by the development.

The proposals are considered to have a neutral effect on the character and appearance of the Conservation Area. Furthermore, the development largely reflects what is already in situ and will not cause harm to the character and appearance of the countryside.

In resulting in 'no harm', the statutory requirement to preserve or enhance as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is satisfied. The visual impacts are deemed acceptable the proposals are therefore considered to comply with development plan policies CS18, CS20, DM2, DM12, BNP3 and BNP8 and the requirements of NPPF section 16 (Conservation and enhancing the historic environment).

Trees

Policy CS18 and DM2 require that development should not have a significant adverse effect on the appearance or character of the landscape. Policy CS14 also seeks to protect existing green infrastructure.

Trees within Bouskell Park have protected status either due to their location within the Conservation Area or due to them being subject to the Leicestershire County Council Blaby (Blaby Hall) Tree Preservation Order 1971) that covers the park. The tree belt across the Bouskell Park frontage is a notable landscape feature in the area which is important to the character and visual amenities of this part of Welford Road.

The proposed development will not require the removal of any trees. The new footway on the southern side of the access will encroach nearer to a mature oak tree within the park frontage. In order to ensure that this tree is not harmed by the development, it is considered necessary to impose a condition requiring an arboricultural method statement to be submitted to assess how any potential impacts on this tree will be managed. Comments are awaited from Leicestershire County Council Forestry and will be reported to the Committee at the meeting.

Highway Safety

Policy DM8 requires 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.

Welford Road is a classified C Road subject to a 30mph speed limit. The access is proposed to be widened to 7.5 metres with 6m corner radii and an additional pedestrian path provided on the southern side of the access. New swing gates would be positioned at least 6m behind the highway boundary and would open inwards. A new linear drain is to be installed at the highway boundary to prevent drainage onto the highway. These details are in accordance with the Leicestershire Highway Design Guide.

Given that the proposals entail alterations to a park access, an independent stage 1 road safety audit (RSA1) has been requested by the Local Highway Authority. Officers are awaiting the submission of this document and members will be updated in relation to its comments, and any response by the Local Highway Authority at the committee meeting.

Subject to the RSA finding the proposed changes to be acceptable, the proposals are not considered to result in any harmful impacts upon highway safety or the road network and are therefore considered compliant with policy DM8.

Other considerations

The proposed development incorporates a new drain at the boundary with the highway to prevent water draining onto the highway. Surface water will be conveyed to a drainage blanket via a silt trap to a drainage blanket. The Council's Environmental Services officer has reviewed the proposals and considers that they are acceptable, subject to a condition requiring their installation and maintenance.

The development proposals are modest in scale meaning that biodiversity net gain is not a requirement. Given the limited scope of the work, there are no harmful impacts upon ecology.

Residential properties line Welford Road opposite the entrance to Bouskell Park. In light of the current public park use and existing vehicular and pedestrian access, the alterations to the access are not considered to result in additional impacts upon residential amenities. Whilst residents have raised concerns about anti-social behaviour on Bouskell Park, the boundary treatments and security arrangements will remain largely as existing and the development is not considered to result in harmful impacts in this respect.

Other matters

A number of representations have objected to the development on the basis of the proposed introduction of car parking charges to Bouskell Park car park and related potential impacts. This matter is not material to the consideration of this application which relates solely to alterations to the access into the park.

Planning Balance and Conclusions

The development proposals to widen the existing access into Bouskell Park are not considered to result in any harm to the designated Conservation Area, the character and appearance of the countryside, trees on the site or highway safety. The proposals are therefore considered to be compliant with the relevant policies of the Development Plan and this matter weighs in favour of the development. There are no other material considerations that would indicate that the plan policies should not be followed. Approval is therefore recommended, subject to conditions as set out at the beginning of this report.

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