

**Blaby District Council
Planning Committee**

Date of Meeting 1 June 2023
Title of Report Applications for Determination
Report Author Group Manager – Planning & Strategic Growth

1. What is this report about?

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

2. Recommendation

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

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **27 February 2023** 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
	21/0739/OUT	9	166-172 Little Glen Road, Glen Parva	Approve
	23/0136/RM	23	Parcel R6(4) and R6(6) Dee Way/Laxford Lane, Lubbesthorpe	Approve
	23/0189/OUT	39	Land to the rear of 6 Roundhill, Kirby Muxloe	Refuse

3.3 Appropriate Consultations

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

3.4 Resource Implications

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

4. Other options considered

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

5. Background paper(s)

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

6. Report author's contact details

Ian Davies and Stephen Dukes Development Services Team Leaders
planning@blaby.gov.uk 0116 272 7705

21/0739/OUT

**Registered Date
01.06.2021**

Mr H Nanuwa-Singh

Outline planning application for the demolition of an existing building to be replaced with a multi-storey (up to three storey) building to accommodate 7 apartments (4 No. 1 bedroom and 3 No. 2 bedroom) with associated access and parking. Including the replacement and provision of up to 316 sq.m of retail space at ground floor (use class E - Commercial, Business and Service) (Access, Layout and Scale to be determined - All other matters reserved).

166-172 Little Glen Road, Glen Parva, Leicestershire

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

RECOMMENDATION:

THAT APPLICATION 21/0739/OUT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Statutory outline time limit
2. Reserved Matters details to be submitted.
3. Accordance with the approved plans
4. Details of all external materials to be agreed.
5. Finished floor levels to be submitted and agreed and implemented
6. Development restricted to Use Class E(a) only.
7. Use restricted to 316 sq.m of ground floor retail use (Use Class E(a)) only.
8. Use restricted to C3 use, and 7 flats, at first and second floor only.
9. Approved mix.
10. Retail use at ground floor restricted to hours of 7.00 am to 5.00 pm Mondays to Fridays inclusive and 7.30 am to 2.00 pm Saturdays, and at no time on Sundays or public holidays.
11. No deliveries to be taken or dispatched from the site outside the hours of 07:30 am – 18:00 pm Mondays to Fridays inclusive and 08:00 am and 15:00 pm Saturdays and at no time on Sundays on public holidays.
12. No subdivision of store with the further granting of planning permission
13. Prior to first occupation, the access arrangements shall be implemented and retained in accordance with the approved plans
14. Prior to first occupation, the parking and turning facilities shall be surfaced and laid out in a hard bound material and retained in accordance with the approved plans
15. No additional access gates, barriers, bollards, chains or other such obstructions shall be erected without prior approval
16. Demolition and Construction Management Plan to be submitted to and agreed and adhered to during development.
17. Prior to commencement debris to be removed from the site
18. No storage of goods, equipment or materials to take place outside the building, except in previously agreed screened areas.

19. Details of external plant machinery to be submitted and agreed.
20. Details of external lighting and CCTV scheme to be submitted and agreed.
21. Unidentified contamination remediation strategy to be agreed.
22. A waste collection strategy to be submitted and agreed as part of any Reserved Matters application.
23. Surface water drainage scheme to be submitted and agreed and implemented.
24. Details for the long-term management and maintenance of the surface water drainage scheme to be submitted and agreed and implemented.
25. Drainage to be provided within the site such that surface water does not drain into the public highway including private access drives.
26. Windows with first floor communal corridors shall be set at 1.7m above internal ground floor levels.
27. Roof lights to be set to 1.7m above internal ground floor.

NOTES TO COMMITTEE

Relevant Planning Policies

National Planning Policy Framework (NPPF) (July 2021)

Planning Practice Guidance (PPG)

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

Policy CS1	Strategy for Locating New Development
Policy CS2	Design of New Development
Policy CS5	Housing Distribution
Policy CS8	Mix of Housing
Policy CS10	Transport Infrastructure
Policy CS12	Planning Obligation and Developer Contributions
Policy CS13	Retailing and Other Town Centre Uses
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 (Adopted February 2019)

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

Other Supporting Documents

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance, February 2010.

Consultation Summary

Blaby District Council – Environmental Services – No objections, subject to the imposition of conditions.

Blaby District Council – Housing Strategy – Supportive of the development on the basis that it provides smaller one and two-bedroom units of which there's a shortage in Blaby District.

Blaby District Council – Neighbourhood Services – No objections, subject to provision of suitable provision of a bin presentation facilities at detailed Reserved Matters stage.

Glen Parva Parish Council – has commented as follows:

19.07.2022

“Following a council meeting the Parish Council would like to make the following observations in regard to the above application:

- *The proposed development is excessive both in terms of coverage/number of units and bulk.*
- *The proposal is inappropriate in terms of its bulk being three storeys in an area of two or single storey residential properties.*
- *Overlooking of nearby residential properties does not appear to have been considered.*
- *Whilst development of the site for residential is commended it should be its sole use and a combined commercial and residential development in this location is inappropriate.*
- *Landscaping and buffering of the development proposed is grossly inadequate.*
- *The height of the proposal is excessive.*
- *Right of light to gardens and houses has not been considered.*
- *There seems to be a lack of parking provided.*
- *Refuse – storage and collection are inadequately considered.*
- *Servicing of commercial portion of the development has not been considered.”*

05.10.2022

- *The vision splays to the access to the parking area are drawn incorrectly and are inadequate for a vehicle pulling out across the footway.*
- *The development should be restricted to a two storey as all surrounding development is to this height.”*

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

13.07.2022

- **Waste** - £238.70
- **Libraries** - £181.66

28.09.2022

Confirmed that given the reduction in apartments from 10 to 7, developer contributions would no longer be requested.

Leicestershire County Council – Highways – No objections, subject to the imposition of conditions.

Leicestershire County Council – Lead Local Flood Authority – No objections, subject to the imposition of conditions.

Leicestershire Police – No objections

National Health Service East Leicestershire – No developer contributions requested

Severn Trent Water Authority – No objections

Third Party Representations

249 letters of representation have been received from local residents. The reasons cited for objections are:

- Highway and pedestrian safety
- Increase in traffic, congestion
- Over intensification and over development of the site
- Scale and massing
- Loss of light
- Not in keeping with the prevailing character and appearance of the area
- Street scene implications
- Loss of property value
- Noise pollution
- Lack of parking, including staff and visitor parking and disabled parking
- Air pollution
- Light pollution
- Privacy and overlooking issues
- Drainage and flooding issues
- Disruption during the construction period
- Over proliferation of retail stores in the area
- Proximity of school
- Lack of disabled facilities
- Loss of wildlife habitats
- Lack of need for development
- Right to light
- Anti-social behaviour
- Additional pressure on services and facilities

Relevant Planning History

81/0551/1/PX

Warehouse Units (Blocks V and W)

Approved 21.09.1981

EXPLANATORY NOTE

The Site

The application site forms a roughly rectangular and level parcel of land measuring some 1100 sq.m in area located within Glen Parva Settlement Boundary as defined on the Local Plan Policies Map (2019).

An existing flat roofed single storey retail unit currently operating as a mobility equipment hire business is located within the southern section of the site. The building fronts onto Little Glen Road and Alderleigh Road along its southern and western boundaries.

Vehicular and pedestrian access is situated directly off Alderleigh Road leading into a service yard located to the rear of the unit which is enclosed by a 2m steel fence along the street frontage and timber fencing along the boundaries to the adjoining residential dwellings. Provision for 6 parking spaces serving the existing retail unit is provided within the frontage of the site adjoining the shop entrance off Alderleigh Road.

The site is bounded to the north and west by traditional two storey semi-detached residential dwellings off Alderleigh Road, and to the east off Little Glen Road. A mixture of detached and semi-detached and bungalows area situated to the south of the site beyond Little Glen Road.

The site is also located within Flood Zone 1 which has been at less than 0.1% chance of flooding in a year.

The Proposal

The proposed development seeks Outline planning permission for the demolition of the existing retail unit, and the construction of a replacement three storey building and provision of associated access and parking facilities to the rear of the site.

Matters including access, layout and scale are to be determined, with appearance and landscaping retained as reserved matters.

The application proposes provision of up to 316 sq.m of retail space at ground floor, to be retained as a mobility equipment hire business. with 24.6 sq.m also provided at ground floor for stairwell access to the proposed residential accommodation above.

Initially the application sought Outline permission for eleven apartments, and following negotiations and a number of revisions to the proposal the application now proposes a total of seven apartments. These include 4 1-bedroom and 3 2-bedroom duplex flats within the first floor and roof space above.

The application proposes a 'L' shaped building fronting onto Little Glen Road and Alderleigh Road, measuring some 380 sq.m in footprint within the southern section of the site. The building is proposed to measure 26m in width on the Little Glen Road frontage and approximately 22m along the Alderleigh Road frontage. The building is proposed to measure some 8.8 m to the eaves and 6.3 m the ridge.

Oriel and box windows are shown serving flats on both elevations, with windows serving 1, 2 and 3 along the western aspect of the building facing Alderleigh Road, being angled to the south to avoid overlooking into neighbouring garden areas. The windows also provide additional internal floor space as well as creating a defining feature of the building. Windows within the roof provide additional light to the flat's bedrooms in the roof space. The flats are serviced by internal staircases and access corridors.

Pedestrian access to the retail unit is provided off both the Little Glen Road and Alderleigh frontages of the building, with vehicular and pedestrian access provided off Alderleigh Road leading into the proposed rear parking and service area.

12 residential parking spaces are proposed within the rear enclosed courtyard, with 6 (including 2 disabled parking spaces) provided for the retail unit on the Alderleigh Road frontage.

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.

There are a number of themes which run through national guidance as expressed in the National Planning Policy Framework and these are generally in line with local policies expressed through the Development Plan. Key themes in the case of this application are that new development should be sustainable and the effective use of land by reusing land that has been previously developed is encouraged.

NATIONAL PLANNING GUIDANCE

National Planning Policy Framework (NPPF)

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 independent 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; and
- An environmental objective.

For decision taking, this means:

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

The National Planning Practice Guidance (NPPG) provides supporting guidance to the interpretation of the NPPF.

DEVELOPMENT PLAN

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

The adopted Core Strategy (February 2013) is now part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development.

Policy CS1 – Strategy for Locating New Development

Policy CS1 seeks to focus new development in the most sustainable locations in the district, primarily within and adjoining the Principal Urban Area (PUA) of Leicester, however, provision is made for the development needs of settlements outside the PUA.

The application site is located within the built-up area of Glen Parva which is identified in the Council's Core Strategy as being within the PUA as defined by Policy CS5, thus the principle of development in this location has been established and the application is considered to be located in a sustainable location and consistent with the provisions of Policy CS1.

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, including layout and street design, contributing to a better quality of life for the local community. The design of new development should also be appropriate to its context.

The application seeks Outline permission for the demolition of the existing retail building, and the construction of a replacement three storey building and the provision

seven apartments and of associated access and parking facilities. Matters including access, layout and scale are to be determined as part of the application before Members, with appearance and landscaping retained as reserved matters for later determination.

The surrounding area is predominantly characterised by two storey detached and semi-detached residential development utilising a traditional palette of materials, which are arranged in a linear pattern fronting the highway with shallow frontages and enclosed rear gardens. The dwellings are similar in design and scale.

Illustrative plans show the proposal as an 'L' shaped building set off Little Glen Road and Alderleigh Road, with retail use at ground floor providing an active frontage to the public realm, with residential uses above.

The layout of the development creates an outward facing development that provides acceptable separation distances between adjoining uses, and which has been designed to have respect to and protect the amenities of surrounding properties, whilst providing moderately proportioned self-contained living accommodation for future occupiers within the 7 apartments.

The scale of the proposed development is also considered to be broadly similar and to be in context with its surroundings whilst allowing the effective re-use of the site.

Vehicular and pedestrian access is provided off Alderleigh Road leading into the proposed rear parking and service area. The Local Highways Authority (LHA) are satisfied that the access meets the required standards for such and that the proposed parking and manoeuvring spaces are suitable for its intended purpose. Pedestrian access to the retail unit is provided off both the Little Glen Road and Alderleigh frontages of the building.

Whilst appearance and landscaping are Reserved Matters, illustrative plans indicate a building with a modern aesthetic, utilising contrasting materials, and utilise oriel windows, which create defining features of the building to help to create a landmark feature within the area, which both complements and enhances the surrounding area.

Having regard to the above it is therefore considered that the proposed development complements and enhances the local vernacular whilst ensuring it retains an individual characteristic, that is proportionate in scale, position and context, with a layout that functions in design terms and protects the residential amenities of adjoining uses. Consequently, the proposed development is considered to be acceptable and complies with Policy CS2.

Policy CS5 – Housing Distribution

Policy CS5 aims to focus new development in the most appropriate locations. The District Council seeks to distribute housing by settlement in accordance with the figures contained within the Core Strategy. Policy CS5 sets a minimum requirement of 5,750 dwellings (including 4,250 with the new SUE at Lubbesthorpe) within the PUA. At 1 April 2021, there were 291 dwellings built or committed within Glen Parva, and with 7,078 dwellings built or committed to be built within the PUA, some 1,328

dwellings over the minimum requirement as set out in Core Strategy Policy CS5 Housing Distribution. Taking the above into account it is considered that there is no current housing need for the proposed development in this location, however the policy does not specify a maximum number, nor does it preclude any higher housing provision. Residential development for 7 dwellings on the site therefore is considered will help (albeit only in a small way) to meet and sustain the current housing land supply of the District.

Policy CS8 - Mix of Housing

Policy CS8 seeks to ensure that new housing developments provide the appropriate quality and mix of housing for the District's current and future needs. Policy CS8 states that residential proposals for developments of 10 or more dwellings should provide an appropriate mix of housing types, tenures and sizes to meet those needs.

Whilst the proposal is now for 7 apartments, initially Blaby District Council Housing Officers were consulted on the basis that the scheme was for 11 units. The Blaby District Council Housing Officers have responded over the course of the application in continuing to support the proposal as it meets the need for smaller one and two bed homes of which there's a shortage within the District. Consequently, it is considered that the development accords with Policy CS8.

Policy CS10 – Transport Infrastructure

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

The proposed development is located within an established retail site within Glen Parva's settlement boundary which is well served by transport links and has good access to services and facilities within Glen Parva and beyond.

Leicestershire County Council are satisfied that the visibility, access, layout, parking and turning facilities are satisfactory and are in accordance with the details set out in the Leicestershire Highway Design Guide.

The LHA have also noted that that the proposed development would be unlikely to result in overspill parking on the B582 Little Glen Road, and as such would be unable to sustain a refusal to the proposed development based on the proposed level of off-street parking.

The highway and traffic implications of the application have been assessed and deemed acceptable and as such is compliant with Policy CS10.

Policy CS12 - Planning Obligations and Developer Contributions

Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in latest Planning Obligations

and Developer Contributions SPD. Policy CS12 sets the minimum threshold at which developer contributions can be sought at 10 or more dwellings.

Developer contributions were initially requested towards library and waste facilities. However, given the reduction in the number of residential units the proposed contributions can no longer be sought under Policy CS12.

Policy CS13 – Retailing and Other Town Centre Uses

Policy CS13 states that proposals for retail, leisure and other main town centre uses, as defined in the NPPF, will be subject to a sequential test. This requires main town centre uses to be located within town centres, then edge of centre locations and then, only if suitable sequentially preferable sites are not available, in out-of-centre locations.

This application represents the redevelopment of an existing small scale retail use with the existing business being retained on the site. The application represents investment into the site, with no loss of use and the retention of employment as originally provided. Given the scale and nature of the proposal it is therefore considered that this development does not conflict with the vitality and viability of other such uses within the area and as such accords with the aims of Policy CS13.

Policy CS21 – Climate Change

Policy CS21 states that in order to tackle climate change, development should be focused in the most sustainable locations in accordance with Policy CS1 and CS5, and the layout and design of development should reduce energy demand and increase efficiency and provide resilience to reduce the risks of flooding.

This application is for the redevelopment of an existing retail building on an established retail site, which is in close proximity to local transport networks and key services and facilities.

Blaby District Council's Environmental Health department and the Leicestershire County Council as the Lead Local Flood Authority are satisfied with the development in terms of its proposed flood resilience measures and drainage strategy.

Given the site's sustainable location, and effective reuse of previously developed land, it is considered that the proposal is in accordance with Policy CS21.

Policy CS22 – Flood Risk Management

Policy CS22 seeks to ensure that all development minimises vulnerability and provides resilience to flooding.

The application is located in Flood Zone 1 which has a low probability for flooding. The application was accompanied with a Flood Risk Assessment and Drainage Strategy, which proposed measures to mitigate flood risk and provide drainage for the development.

Blaby District Council's Environmental Health department and Leicestershire County Council's as the Lead Local Flood Authority. Are satisfied that the site can be adequately drained and there is no flood risk. Conditions have been requested for the full submission of surface water drainage. It is therefore considered that the proposed development is in accordance with Policy CS22.

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.

Your Officers have worked proactively with the applicant to ensure that the development is 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 following policies are the most relevant to the proposed development.

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 sets the principles for built development within the Settlement Boundary provided it is consistent with the other policies of the Local and Neighbourhood Plans, and has 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, consideration of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity. Policy DM1 further requires development to have a satisfactory layout, design and appearance.

The proposed development is located within an established residential area on an existing retail site. The site is bounded by two storey detached and semi-detached residential development along Little Glen Road and Alderleigh Road. The rear garden areas of adjoining dwellings bound the rear service yard area to the north and east respectfully.

The proposed development is as an 'L' shaped building set off Little Glen Road and Alderleigh Road, with retail use at ground floor with residential accommodation above. To the rear of the building is an existing service yard, provided a private parking area for 12 vehicles and service facilities for the retail element of the development.

The layout of the development creates an outward facing development presenting an active frontage to the public realm, which provides acceptable separation distances and suitable orientations between the building and neighbouring dwellings adjoining and facing the site. The internal layout of the accommodation, its service areas, and the arrangement of windows, which include angled oriel windows along the western

aspect of the building, are designed to have respect to and protect the amenities of surrounding properties ensuring the development does not have a significantly detrimental impact in terms of an overbearing impact, loss of light or privacy to these properties.

Whilst the proposal is a three-storey building, the building has been designed to include accommodation within the roof space, and utilises oriel, box and roof windows to maximise internal space and maximise light, in order to ensure that the scale and bulk of the proposed development is in context with neighbouring residential development and comparable in height, thus creating a building that is not significantly out of keeping with the scale of surrounding development and does not have a significantly detrimental impact in terms of an overbearing impact and overshadowing.

It is considered that intensification of use on the site and the increase in vehicular movements and orientation of parking, would not result in an undue level of noise and disturbance that would warrant refusal on this basis.

Whilst 'appearance' and landscaping are reserved matters, illustrative plans indicate a building with a modern aesthetic, utilising contrasting materials, and utilising oriel windows, which create defining features of the building to help to create a landmark feature within the area, which both complements and enhances the surrounding area.

It is therefore considered that the development would have a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities of nearby and adjoining residents which on balance would be in keeping with the character and appearance of the area and would have a satisfactory layout, design and appearance. As such it is considered that the proposed development complies with Policy DM1.

Policy DM8 – Local Parking and Highway Design Standards

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

The layout, parking provision and access arrangements of the proposal have been assessed by the Local Highway Authority who are satisfied that the development is acceptable, subject to the imposition of conditions. In the absence of technical objections from the LHA it is considered that the proposed development complies with Policy DM8.

Other Material Considerations

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

The following are material planning considerations in the determination of this planning application:

- Socio-Economic issues
- Highway considerations
- Environmental considerations

Socio-Economic issues

This application seeks to redevelop an existing retail business with the existing business retaining the use of the site and increasing the available floor area from approximately 250 sq.m to some 316 sq.m. The application represents inward investment into the site, providing efficiencies in services and enhancement to the retail experience, whilst retaining the levels of employment and supporting the wider economic growth of the district.

Highway considerations

The proposed development seeks to create a private drive access to a parking court to serve the proposed residential development, which is taken from Alderleigh Road. The proposed access is 4.8m wide and has 2m x 2m pedestrian visibility splays. The access is proposed to be gated at approximately 10m from the highway boundary.

The Local Highway Authority are satisfied that suitable visibility is afforded at the proposed site access and consider that the proposals are in general accordance with the minimum requirements set out within the Leicestershire Highway Design Guide (LHDG).

Furthermore, the proposed development seeks to retain the existing car parking spaces to serve the retained and extended retail unit to the site frontage along Alderleigh Road.

Given the proposed development results in a limited increase of only 65.5 sq.m of retail floor area and the existing parking provision is retained off Alderleigh Road, not Little Glen Road, the LHA consider that the proposed development would be unlikely to result in overspill parking on the B582 Little Glen Road. As a result, the LHA cannot demonstrate there will be a severe impact on the highway when assessed against the National Planning Policy Framework and would be unable to sustain a refusal to the proposed development based on the proposed level of off-street parking.

In addition, 12 spaces have been shown to serve the residential element of the proposed development, these are located within a parking court. The LHA has reviewed submitted details and are satisfied that the proposed parking and manoeuvring spaces have been amended to reflect the minimum requirements set out within the LHDG.

It is noted that the current and retained business falls under Use Class Order (E)(a) (*shop other than for the sale of hot food*) and could change hands in the future to a another more intensive retail use or other uses within Use Class E. The level of parking has however been assessed on the basis that the mobility equipment hire business is

to be retained, with the level of parking provision found to be acceptable accordingly. On this basis it is considered appropriate to restrict the development to Use Class E(a) via condition.

Environmental considerations

The development site is location within Flood Zone 1 and has been accompanied by a Flood Risk Assessment and Drainage Strategy. Leicestershire County Council as Lead Local Flood Authority are satisfied that the development can be suitably drained and have requested conditions requiring the detailed submission of such.

Blaby District Council Environmental Services are satisfied with regard to land contamination, flooding, and noise, vibration and dust, subject to the submission of a Demolition and Construction Management Plan prior to commencement of development.

Conclusion

In conclusion, the application seeks outline planning permission for the redevelopment of an existing retail unit with the provision of a three-story building with retail use at ground floor and seven flats above. The application site is located within the built-up area of Glen Parva which is identified as being within the PUA with good access to the transport network and key services and facilities and as such it is considered to be in a sustainable location.

Furthermore, it is considered that the proposed development complements and enhances the local vernacular whilst ensuring it retains an individual characteristic, that is proportionate in scale, position and context, with a layout functions in design terms and protects the residential amenities of adjoining uses.

In addition, the proposal meets the need for smaller one and two bed homes of which there's a shortage within the District and represents inward investment into the site, providing efficiencies in services and enhancement to the retail experience at the site whilst continuing to support the wider economic growth of the District.

The LHA are satisfied that the visibility, access, layout, parking and turning facilities are satisfactory. No technical objections have been raised in relation to the environmental impacts of the development.

The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF and the proposal is considered to be conform with the Development Plan and it is supported by the relevant policies of the NPPF. In light of the above, this application is considered to be acceptable and accordingly it is recommended that planning permission is granted subject to the stated conditions.

23/0136/RM

**Registered Date
22.02.2023**

Davidsons Developments Ltd

Reserved Matters application for the erection of 163 dwellings (details of appearance, landscaping, layout and scale)

Parcel R6(4) and R6(6) Dee Way / Laxford Lane, Lubbethorpe

Report Author: Matt McConville, Major Schemes Officer

Contact Details: Council Offices. Tel: 0116 2727730

RECOMMENDATION:

THAT APPLICATION 23/0136/RM BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Development built in accordance with approved plans shown on drawing schedule.
2. Materials as per the approved materials plan.
3. Hard and soft landscaping (including boundary details) to be carried out in accordance with the approved plans.
4. Landscaping carried out within 1 year and replaced within a period of 5 years.
5. Frontage boundary hedgerow treatments and planting to green corridors shown on plan to be retained in perpetuity.
6. Provision of parking and turning in accordance with approved plan prior to occupation and retained in perpetuity.
7. Provision of private access drives and turning spaces in accordance with the Highways Design Guide and surfaced with tarmac or similar hardbound material for at least 5m behind the highways boundary.
8. Removal of PD rights for access gates, bollards, barriers, chains or other such obstructions within a distance of 5 metres of the highway boundary.
9. Provision of 1m x 1m pedestrian visibility splay on the highway boundary on both sides of all private accesses with nothing in those splays higher than 0.6m. To be retained in perpetuity thereafter.
10. Removal of PD rights for extensions to relevant plots inc. 92, 112, 115, 123, 124, 129, 132, 137, 140, 143
11. Removal of PD rights for porches to relevant plots inc. 13, 14, 11, 12, 17, 18, 36,39, 40, 120, 119, 128-144
12. Retention of approved boundary treatments (walls and hedgerows) and the street facing landscaping to the front and side of dwellings on all plots in perpetuity.
13. Removal of PD rights for replacing or adding new means of enclosures along street scene for all plots.
14. Removal of PD rights for conversions and other uses in relation to garages and car ports to relevant plots inc. 57, 58, 59 – 70, 72, 76, 77, 83, 104, 105, 146-148, 152 - 163

NOTES TO COMMITTEE

Relevant Planning Policy

National Planning Policy Framework (NPPF) (July 2021)

National Planning Practice Guidance

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

Policy CS2 – Design of new development
Policy CS3 – Sustainable Urban Extension
Policy CS7 – Affordable housing
Policy CS8 – Mix of housing
Policy CS10 - Transport Infrastructure
Policy CS11 – Infrastructure, Services and Facilities to Support Growth
Policy CS12 – Planning obligations and developer contributions
Policy CS14 – Green infrastructure
Policy CS15 – Open space, sport and recreation
Policy CS19 – Biodiversity and geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate Change
Policy CS24 – Presumption in Favour of Sustainable Development

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

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

Other supporting documents:

- Development Parcel Design Code: Phase 2
- Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document
- Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document
- Leicestershire Highways Design Guide

Consultations

Blaby District Council, Environmental Services – No objections

Blaby District Council, Housing Strategy – Has commented as follows:

“Still in support and happy for the application to proceed without any changes. The market mix meets all agreed quota percentages and overall we're pleased with the affordable homes mix. We did note there was a slight fall in a couple of the affordable home quotas from the agreed percentages, however we understand this is due to low affordable numbers on these parcels.”

Blaby District Council, Neighbourhood Services – Has commented as follows:

“In respect of the New Lubbethorpe new build Woodland View R6.4 & R6.6 we are happy with the bin collection points but have noticed that the drag distance for the residents in certain areas are excessive and do not conform within the waste strategy.”

Environment Agency – Has commented as follows:

“The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the development. There are no other environmental constraints associated with the application site which fall within the remit of the EA.”

Leicestershire County Council, Archaeology – Has commented as follows:

“Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).”

Leicestershire County Council, Ecology – No objections.

Leicestershire County Council, Forestry – Has commented as follows:

“The proposed landscape design is good with an appropriate species palette throughout using small variety trees where space is constrained and larger tree species where room allows. I note that the design has been amended since the pre-app to encompass previous comments where available substrate and underground rooting may be restricted by the hard landscape. Overall the submitted design will ensure that the soft landscape appropriately enhances the development and provides an attractive setting throughout. The landscape Management plan addresses all relevant aspects to ensure the successful establishment and maintenance of the scheme.”

Leicestershire County Council, Highways – No objections and has commented as follows:

“The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

After a review of the submitted plans the LHA is pleased to advise the LPA that the information submitted demonstrates a layout which the LHA would consider suitable for the purposes of the planning application and future adoption by the LHA.

Furthermore, the LHA is satisfied with the additional information provided by Davidson Development in their supporting email regarding the 1.2m margins, given the alternative options in the vicinity for pedestrians.

The parking provision across the site is generally acceptable but there still remains some minor issues with some of the parking spaces on the development e.g. remote from front doors or one space below guidance at a few plots.

Overall the LHA would not advise refusal of 23/0136/RM on highway grounds or the parking provision across the site, subject to the inclusion of conditions.”

Leicestershire County Council, Lead Local Flood Authority – Has commented as follows:

“Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the submitted reserved matters.”

Leicestershire Fire and Rescue – Has commented as follows:

“Leicestershire Fire and Rescue Service do not consult on plans or provide direct comment on access facilities for new residential development.”

Leicestershire Police – Has commented as follows:

“Leicestershire Police have no formal objections in principle to the application however would like to make the following observations.

All door and window sets will be to PAS24 (2022) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

- 1. Street lighting columns to BS 5489 are recommended.*
- 2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.*
- 3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.*
- 4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.*
- 5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural*

observation, lighting and be set in clearly defined areas to deter unauthorised access.

6. *Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.*
7. *Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.*
8. *Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable*
9. *Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.*
10. *An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.*
11. *Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.*
12. *Consideration of Safe Routes through open space and walkways should account for the use of women and girls.”*

Lubbesthorpe Parish Council – Has commented as follows:

“Lubbesthorpe Parish Council support the application with the following comments;

1. *Agree with the comments made by LCC regarding parking.*
2. *The parking for plots 22&26 come out on a sharp corner this is dangerous access.*
3. *The area lacks visitor /incidental parking. To help with this can a long layby be made on Dee Way instead of the long grass verge to allow for parking. Hopefully this will help to deter vehicles parking on the main Dee Way, which may happen as properties front onto this road.”*

Severn Trent Water – No comments received.

Representations

One letter of representation has been received making the following observations:

“There appears to be no 1 or 2 bed flats with a lift proposed. These needs to be more flats with lifts so that elderly people have a good option to downsize and release their home to a family. The lift is important for deliveries and heavy shopping. The flats need to be 3 to 4 stories high and have a balcony big enough for chairs as well as a private parking area and garden. More green space could be provided if storey heights were increased – this plan is old fashioned and not good for the area.”

Relevant History

11/0100/1/OX – Approved 14th January 2014 - Outline application for 4,250 dwellings, a mixed use district centre and two mixed use local centres featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, non-residential institutions including a secondary school, primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new road

bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane.

EXPLANATORY NOTE

The Site

The application proposes the combined development of two of the 5 parcels that make up the next phase (Phase 2 sub-phase 3) of the Lubbesthorpe development. The north east edge of the site abuts a further 2 of the Phase 2 sub-phase 3 parcels (R6(3) and R6(5)).

The site currently comprises of open undeveloped slightly sloping fields with a rural character and established natural boundaries. It falls within the area of the original Lubbesthorpe outline planning permission on which the principle of development was accepted and approved.

The site (two parcels) is partially separated by an established hedge which runs from east to west across its width into the adjacent 2 parcels. Whilst this hedge will be retained as a feature of the site it has not been included in the red line boundary as it will be maintained by the Lubbesthorpe Trust management company.

The Proposal

The application proposes the erection of 163 dwellings comprising:

Market Mix	Affordable Mix
6 x 1 bed dwellings 32 x 2 bed dwellings 11 x 2 bed bungalows 42 x 3 bed dwellings 39 x 4+ bed dwellings	4 x 1 bed dwellings 15 x 2 bed dwellings 3 x 2 bed bungalows 9 x 3 bed dwellings 2 x 4+ bed dwellings

The site would be accessed via two junctions leading off the yet to be completed Dee Way (which leads to Tay Road) at the south western edge of the previously developed parcels. Both of these access roads would run through the site into the adjoining 2 parcels within the same phase ensuring that the development forms a cohesive whole across all 4 parcels rather than a number of isolated developer focused estates.

The scheme proposes a considered outward facing layout which contains a healthy mix of property types and a good integration of attractive landscaping. The green spaces are delivered either as part of an attractive landscaped area the developer has called a village green, the incorporation of the established hedge which splits the plots, generous tree planting and landscaped front gardens. The proposed dwellings are attractive and well proportioned and incorporate quality fenestration features and detailing. The affordable units are also dispersed throughout the site to avoid excessive clustering.

The established central hedge has been retained as required by the approved Design Code. This feature will also be protected in the adjacent parcels to ensure the provision of an attractive green corridor that will enhance the sites biodiversity. The scheme also incorporates Bat and Bird Boxes and Hedgehog Highways to further support the local wildlife.

The gently sloping site would require the limited use of retaining walls of between 0.5 and 1m in height. The retaining features would be sensitively located along the adjoining fences in rear gardens and would not be unduly visible from the street scene.

The Design Code identifies the site as requiring a number of “Special Buildings” in prominent locations around the edge of the layout. Special Buildings are intended to stand out from the main development to create waymarkers that can be used to identify a location as people move around the site and add interest to prominent locations. The application does include the Special Buildings in the relevant locations which comprise of large feature properties that will be constructed of a different brick than the rest of the development. Given the less prominent location of the parcel away from the primary roads and the quality of the development overall, it is not considered necessary to require an individual building such as the turret house or the grey house both located near the corner of Tay Road and Tweed Street.

On balance, it is considered that the scheme substantially complies with the main parcel and design requirements set out in the Design Code and achieves the principles of good placemaking and urban design.

Planning Policy

National Planning Policy Framework (2021)

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.

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

Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high quality, safe and socially inclusive environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

Policy CS3 – Sustainable Urban Extension

Policy CS3 sets out the vision for the Lubbethorpe SUE and states that it should be a high quality, sustainable, mixed use development that is well connected and has a functional relationship with the wider area, but allows adequate opportunities to locally access services and facilities. The policy, which was adopted in advance of the SUE receiving outline planning permission, sets out the parameters for the development including expectations for housing, employment, education, local and district centres, green infrastructure, general infrastructure and transport and movement. The policy also sets out what areas any detailed proposal will be expected to address.

Policy CS7 – Affordable housing

Policy CS7 sets out the Councils requirements for the delivery of Affordable Housing. Whilst this is set as 25% in most circumstances, the amount has been reduced in the case of Lubbethorpe in accordance with a framework set out and agreed as part of the original S106 Agreement, which accompanied the outline planning permission. Currently the threshold for this sub-phase is 20% provision.

Policy CS8 – Mix of housing

Residential development proposals of 10 or more dwellings should provide an appropriate mix of housing type, tenure and size to meet the needs of existing and future households in the District. The mix of housing has been agreed across the whole of sub-phase 2, in this instance, to ensure a balanced compliance with both the HEDNA and parish level data.

Policy CS10 – Transport infrastructure

Seeks to limit the impacts of new development on levels of vehicle movements by reducing the need to travel by private car by locating new development in areas where people can access services and facilities without reliance on private motor vehicles.

Policy CS11 – Infrastructure, services and facilities to support growth

Seeks 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

Ensures that the impacts on local infrastructure, services and facilities are mitigated through the use of planning obligations.

Policy CS14 – Green Infrastructure; and Policy CS15 – Open Space, Sport and Recreation

Policy CS14 aims to protect existing and provide new networks of multi-functional green spaces. Green infrastructure can include formal open spaces for sport and recreation, green areas that can be used for informal recreation and areas that are valuable for their bio-diversity. Policy CS15 indicates that Blaby District Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities.

Policy CS19 – Biodiversity and geo-diversity

Indicates that important areas of the District's natural environment, landscape and geology will be protected and enhanced, where appropriate, and seeks to maintain and extend natural habitats where appropriate.

Policy CS20 – Historic Environment and Culture

States that heritage assets such as Listed Buildings, Conservation Areas, archaeological remains will be preserved, protected and where possible enhanced. Development should make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

States that development which mitigates and adapts to climate change and protects the District's important areas of landscape and ecological value will be supported. Development should seek to minimise the risk of flooding and other hazards to property, infrastructure and people. The use of sustainable forms of transport will also be supported.

Policy CS24 – Presumption in Favour of Sustainable Development

Indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

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

Policy DM1 – Development within the Settlement Boundaries

This Policy seeks to support suitable development located within the boundaries of existing settlements where the proposal:

- would not unduly impact on neighbouring uses,
- is in-keeping with the character and appearance of the area,
- is not overdevelopment,
- is acceptable in layout design and external appearance; and
- would not prejudice the development of a wider area.

Policy DM8 – Local Parking and Highway Design Standards

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.

Development Parcel Design Code: Phase 2

The Phase 2 Design Code for Lubbethorpe forms the basis for guiding the design and layout of the development parcels to ensure that they achieve the necessary quality placemaking objectives. All reserved matters applications must be substantially in accordance with the Code.

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document

Outlines the Council's strategy for securing developer contributions in relation to new development. The SPD sets out when the 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

Provides guidance relating to the interpretation of policies CS7 and CS8 of the Core Strategy, seeks to address imbalances in both the market and affordable housing stock, and seeks to optimise the provision of affordable housing to meet identified needs.

Leicestershire Highways Design Guide

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

It aims to:

- provide road layouts which meet the needs of all users and do not allow vehicles to dominate;
- create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and
- help create quality developments in which to live, work and play.

Material Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

Taking into account the Development Plan Policies set out above, the material considerations relevant to the determination of this application are:

- The principle of the development;
- Housing mix and affordable housing;
- The impact of the development on the amenity of nearby and future residents;
- The impact of the development on the character and appearance of the area (Lubbesthorpe and the wider landscape)
- The impact of the development on the surrounding highway network;
-
- The impact of the development on the Biodiversity, Historic Environment and wider environment.

The principle of the development

The principle of the residential development of this site was established by the 14th January 2014 approval of the outline planning permission 11/0100/1/OUT which granted permission for 4,250 dwellings, a mixed use district centre and two mixed use local centres featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, non-residential institutions including a secondary school, primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new road bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane.

If approved, the application would become the first two parcels of the 5 parcels within sub-phase 3 to receive planning permission.

Whilst the principle of the development is considered acceptable it will still have to be weighed against all other material considerations to ensure that there are no negative impacts on the surrounding environment which would outweigh the perceived benefits.

Housing Mix and Affordable Housing

The proposal will deliver the Council's housing mix requirements for both market and affordable units. In terms of affordable units only, no more than 6 are to be clustered together. The affordable units would be indistinguishable from the market units and are compliant with current HQI standards in terms of their size. The affordable units are acceptable in this regard.

One letter of representation has been received which expresses a concern that there are no flats with lift access proposed on the scheme. Whilst this is the case, it is considered that flats would be more appropriate on sites which are directly adjacent to the Local and District Centres where they help increase the density and provide easy access to facilities. This approach has been demonstrated by the apartment building which has been built opposite the Local Centre 1 site and the Primary School.

The application site is a more detached less dense development than those around the centres with a suburban character and scale. As such, it is not considered reasonable to request multi storey flats with access lifts on this particular scheme.

Given the above it is considered that the proposed development meets the Council's requirements in terms of affordable housing provision and housing mix and would comply with policies CS7, CS8 and CS12 of the adopted Blaby Core Strategy 2013.

The impact of the development on the amenity of nearby and future residents

The application site would be bordered by landscaped open space to its east and south. The layout of the scheme has been designed to be outward facing to ensure that the scheme respects these areas as far as possible and avoids large boundary treatments along rear and side gardens creating an unattractive point of transition between residential and rural.

The closest residential properties would be located on parcel R6(2) previously approved as part of sub-phase 2 and the adjoining plots of R6(3) and R6(5).

Parcel R6(2) is located to the north of the site. It will be partially positioned on the opposite side of Dee Way and is therefore predominantly outward facing along this section creating a typical street scene between the two parcels. The east section of the adjacent R(6(2) parcel (beyond the point at which Dee Way turns into it) does include a number of properties orientated at 90 degrees to the application site which are not separated by a road. The application scheme accounts for these dwellings (which themselves are set in from the boundary) by placing its few inward facing properties along this section to ensure the gardens increase the separation distance to an acceptable level.

The adjoining two parcels to the west of the site (R6(3) and R6(5)) have not yet been the subject of a planning application. The fact that these two parcels are included in the Design Code along-side the application site means that they have been planned as a cohesive single development with roads running between the two of them. The considered cross parcel layout set out in the Design Code ensures that they will complement each other and respect residential amenities.

It is considered that the relationship, positioning, orientation and separation distances between existing and proposed dwellings on adjacent sites would not likely result in any undue impact on the residential amenities of the closest neighbouring dwellings to the application site.

Internally the scheme has been designed to meet, as far as reasonably possible, the Council's amenity standards and the rules set out in the Design Code. It would provide sufficient separation distances, natural surveillance (of shared spaces, open spaces and private areas) and would create an attractive environment for future occupiers.

The Council's Neighbourhood Services Section has pointed out that some of the bin drag distance are above the standards set out in the Blaby Waste Management Strategy. The Strategy indicates that the bin storage point should not be more than 25m from the collection point specified by the Council. It also indicates that bin collection points should be located adjacent to the highway.

The applicant has submitted a Bin Drag Carry Analysis Study which highlights the locations at which the bin drag distances are over 25m. It shows that in the limited number of cases where the bin drag distances are exceeded it is generally caused by the process of dragging the bin from the garden to the front of the property and that from the front of the properties they are all within the acceptable 25m drag distance. In a number of these instances the drag distance is exceeded by a limited amount as a result of the layout preserving the established hedge that runs through the site. In both sets of cases it is considered that the additional distances above the 25m are not unduly excessive and, where relevant, the benefits of retaining the large established hedge outweigh the limited increase in drag distances.

Given the above, it is considered that the proposed development would not unduly harm the residential amenities of existing and future occupiers. The scheme is considered to comply with Policy CS2 of the adopted Blaby Core Strategy 2013 and Policy DM1 of the Delivery Development Plan Document (Delivery DPD) (2019).

The impact of the Development on the character and appearance of the area (Lubbesthorpe and the wider landscape)

It is recognised that the development of the existing open fields will impact on the character and appearance of the area. This was considered at the time of the outline application, when it was concluded that the proposal would not unduly harm the intrinsic character of the surrounding area to a degree that would outweigh the benefits of the proposal.

It is considered that the design of the scheme has taken the surrounding parcels and

adjacent open areas into account. It is outward facing at the interfaces with open spaces, inward facing adjacent to off set properties in adjacent parcels and has been designed to complement the adjacent two parcels of sub-phase 3 by following the cohesive layout set out in the Design Code.

The appearance of the proposed residential properties is considered acceptable as they are attractive, well-proportioned and complement each other in character and scale. The properties have a more traditional appearance and scale in-keeping with other development within Lubbesthorpe.

The proposed layout, with the proposed house types will have an attractive appearance and will complement its neighbouring parcels and respect the areas of open space along its boundary which would be the most prominent elements of the site.

It is therefore considered that the proposed development would not unduly harm the character and appearance of the surrounding area and would comply with Policy CS2 of the adopted Blaby Core Strategy 2013 and Policy DM1 of the Delivery Development Plan Document (Delivery DPD) (2019).

The impact of the development on the surrounding highway network

The impact of the development on the surrounding highways network was considered at the time of the outline planning permission. The outline application was accompanied by a highways strategy which proposed a large set of mitigation measures to offset the highways implications. These measures, which included the now delivered bridge across the M1 motorway and a still to be constructed bridge across the M69 motorway, will be delivered strategically throughout the life of the development in accordance with the strategy.

Lubbesthorpe Parish Council has commented on the layout of parking for plots 22 & 26 and the fact that there is limited visitor parking (causing cars to park on the street).

The County Council Highways Department has assessed the scheme and raised no objection subject to conditions controlling:

- The provision of parking and turning areas prior to occupation.
- The provision of private access drives and turning spaces
- A restriction on vehicular access gates, barriers, bollards, chains or other such obstructions erected within a distance of five metres of the highway boundary.
- The provision of the required visibility spays prior to occupation.

The Highways Department works to maximum parking standards which means that schemes are assessed on the general requirement for residential parking (two spaces for up to 3 bed and three spaces for 4 bed plus). The maximum standards do not stipulate a set number of visitors spaces for residential dwellings. One of the main purposes of the maximum standard (as opposed to minimum) is reducing the number of parking spaces across a development to incentivise alternative options to the car.

The County Council's Highways Department as the Highways Authority have assessed the proposal against the Highways Design Guide which sets the standards

for development in Leicestershire and found it to be acceptable. The fact that the proposal meets the requirements stipulated by the primary document used to assess highways matters across Leicestershire is a good indication that the proposal is acceptable in planning terms from a highways perspective.

The use of a section of landscaping to provide visitors spaces is not something that can be controlled through this application as the only available landscaped area off Dee Way appears to be located on the adjacent previously approved parcel R6 (2). Even if such a proposal could be accommodated within the application site it would likely be considered undesirable to replace an attractive landscaping strip with additional parking, particularly when it is not something that is required by the Highways Authority.

Given the above it is considered that the proposed development would not have an unacceptable impact on the highways network or unduly impact on highways safety and complies with Policies CS10 and CS11 of the adopted Blaby Core Strategy 2013 and Policy DM8 of the Delivery Development Plan Document (Delivery DPD) (2019).

The impact of the development on the Biodiversity, Historic Environment and wider environment

The outline planning application was supported by a raft of strategies and assessments which assessed the important environmental implications of the Lubbethorpe development including impacts on biodiversity, historic assets, flood risk and the wider environment (pollution/noise etc.). Each of these overarching strategies was considered and shown to be acceptable in the mitigation it proposed to offset any impact caused.

Further phase based assessments are submitted and approved prior to the submission of the first application in each sub phase of the development to ensure that they remain relevant and the upcoming phase of the development respects the approved overarching environmental strategy. The strategies require more in-depth updated assessments to be submitted in advance of each phase or sub-phase of development to ensure that they are kept up to date and target a smaller more specific part of the site. These updated assessments have to accord with the wider site wide plans to ensure a more holistic joined up approach rather than simply being based on individual parcels.

The County Council's Ecology Section, Archaeology Section, Forestry Section and Lead Local Flood Authority have been consulted over this application as have Blaby District Council's Environmental Health Department. No objections have been raised in relation to this application.

The scheme itself has integrated the use of Bat/Swift boxes and Hedgehog highways into the design which, along with the hedgerow retention, will enhance the sites biodiversity.

It is considered that the proposed development would not cause unacceptable harm to the surrounding environment and complies with Policies CS14, CS19 and CS20 of the adopted Blaby Core Strategy 2013.

Compliance with the Outline Planning Permission and guidance documents

The proposal would comply with the principles and parameters of the Outline Planning Permission and the necessary elements of the supporting documents to a satisfactory degree and proposes a development which is considered acceptable in that regard.

Environmental Impact Assessment

The application was considered in relation to the Environmental Impact Assessment Regulations 2017 and the Environmental Impact Assessment which accompanied the outline planning application which pre-dated the 2017 Act. It was not considered that there is any evidence to suggest that the development of the application site would change the original reasoned conclusion of the Environmental Impact Assessment or suggest that any significant environmental effects are likely to arise as a result of the proposal.

Overall Planning Balance and Conclusion

It is considered that the proposed development would accord with the Principles of the NPPF and the Policies set out in the Development Plan and there is no material consideration which would indicate otherwise. It is therefore considered that, on balance, the proposal is acceptable in planning terms for the reasons set out above.

In conclusion, taking into account the adopted Development Plan, the three dimensions of sustainable development (economic, social and environmental), and all other material considerations, the proposed development is considered to comply with Policies CS2, CS3, CS7, CS8, CS12, CS19, CS20, CS21, and CS24 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, and Policy DM1 and DM8 of the Blaby District Local Plan (Delivery) Development Plan Document.

Accordingly, this application is recommended for approval subject to the conditions set out above.

23/0189/OUT

**Registered Date
07.03.2023**

Mr Lewis, Leicester Lettings (2016) Ltd.

Outline application for up to 9 serviced plots for self-build and custom housebuilding. All matters reserved except for access.

Land at and to the rear Of 6 Roundhill, Kirby Muxloe, Leicestershire, LE9 2DY

Report Author: Charlene Hurd, Senior Planning Officer

Contact Details: Council Offices. Tel: 0116 2503101

RECOMMENDATION:

THAT APPLICATION 23/0189/OUT BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposed development would be located on an elevated and prominent parcel of open space within an area of Green Wedge situated outside of the settlement boundaries of Kirby Muxloe, part of the Principal Urban Area of Leicester as defined by the Blaby District Local Plan (Delivery) Development Plan Document. The site access and part of the proposed private road would be located within the settlement boundary, utilising the existing vehicular access and garden area of No.6 Roundhill. By virtue of its location, the proposal would represent an unwarranted intrusion of urban development beyond the settlement envelope boundary of Kirby Muxloe into an important area of Green Wedge that forms part of the setting to Kirby Muxloe Castle and Kirby Fields Conservation Area. The proposed development would appear dislocated from the defined and historic settlement boundary and would neither preserve nor enhance the cultural heritage of the Green Wedge which would be unduly eroded and would harm the setting of designated heritage assets as well as the character and appearance of the landscape in this locality. Consequently, the proposed development would be contrary to Policies CS1, CS16 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM10 and Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.
2. The proposal would be located approximately 290 metres to the southeast of Kirby Muxloe Castle, which is a scheduled monument and Grade I listed building. The castle's setting makes an important contribution to the site's overall significance which includes views to and from the castle at both ground level, the upper stories of the listed ruins and from elevated positions off site. It also includes the dynamic experience of approaching and travelling through the landscape which surrounds the monument, with the adjacent areas of open and undeveloped landscape being of particular importance. The proposed development would erode the historic landscape between Kirby Fields and

Kirby Muxloe and would fail to preserve or enhance the cultural heritage in this part of the District. The subsequent loss of part of this area to development would be detrimental to the historic context and setting of Kirby Muxloe Castle, resulting in less than substantial harm to the significance of the Scheduled Monument and Grade I listed building. Having regard to the legislation set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development would therefore be contrary to Policies CS2, CS16 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 and Section 16 of the National Planning Policy Framework 2019.

3. The wider character of Kirby Fields Conservation Area is defined by substantial houses of individual style, standing in extensive grounds that are served by a network of private roads that are unified by mature and attractive landscaping. The sub-division of No.6 Roundhill to facilitate the provision of an access road to serve the proposed development would intrinsically undermine the prevailing character of Kirby Fields Conservation Area. In addition, the fragmentation of the curtilage of No.6 Roundhill would fail to preserve or enhance the special qualities of the Conservation Area and its wider setting, resulting in permanent and irreversible harm. Having regard to the legislation set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development would be contrary to Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, Policies DM1(b)(d) and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 and Section 16 of the National Planning Policy Framework 2019.
4. The proposed development comprises a visually tight and linear arrangement of dwellings that would be accessed via a proposed road off an existing cul-de-sac. By virtue of its density and formal cul-de-sac arrangement the proposal would result in the overdevelopment of the site and would be of unsatisfactory layout and design. As such, the proposed development would be significantly out of keeping with the open and spacious Green Wedge location, including the historic character and prevailing grain of Kirby Fields Conservation Area. Consequently the proposal would be contrary to Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, Policy DM10 and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019 and Sections 12 and 16 of the National Planning Policy Framework 2019.
5. The proposed road intended to provide access to the residential development would be situated within the front and rear garden of No.6 Roundhill and would immediately abut the boundary with No.5 Roundhill, running a total length of approximately 150 metres. The increased activities and vehicular movements associated with a proposed residential development in this location would have a detrimental impact in terms of noise and disturbance, resulting in the proposal having an unsatisfactory relationship with neighbouring properties occupiers resulting in their existing enjoyment of residential amenity being significantly diminished. The suggested mitigation in the Noise Report, consisting of a 2

metre high wall along either side of the proposed access road, would likely be detrimental to the character of the area. Consequently, the proposed development would be contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1(a) and DM10 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

NOTES TO COMMITTEE:

Relevant Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice 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 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 CS24 – Presumption in Favour of Sustainable Development

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

Policy DM1 – Development Within the Settlement Boundaries
Policy DM2 – Development in the Countryside
Policy DM8 – Local Parking and Highway Design Standards
Policy DM10 – Self and Custom Build Housing
Policy DM12 – Designated and Non-designated Heritage Assets

Other supporting documents:

- Planning Practice Guidance
- Blaby District Landscape and Settlement Character Assessment (2020)
- Kirby Fields Conservation Area Character Assessment Historic England (2017)
- The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

Consultations

Kirby Muxloe Parish Council

Previously objected to planning application 22/0637/FUL, making the following comments:

“KMPC reiterates its opposition to the development of the land behind 6 Roundhill, Kirby Muxloe Conservation Area for the planning considerations set out in its previous responses to this and previous applications.

KMPC fully supports the objections communicated to Blaby Planning by Nigel Oziers, planning consultant to the concerned residents of the area immediate to the application site.

KMPC particularly draws the attention of Blaby Planning to the unsatisfactory nature of the site access to a substantial housing development, in that the proposed access is narrow such that two cars cannot pass without great difficulty. The proposed access diminishes the 'townscape' of the Conservation Area, giving a cheap and mean character to the development and to that 'Conservation Area.’

Leicestershire County Council, Archaeology

No objection. Advises that a programme of post-determination trial trenching is required to manage the below ground archaeological impacts of the scheme. Comments that as the site does not appear to have undergone any significant previous ground disturbance, any archaeological remains that are present are likely to be relatively well preserved and close to the ground surface. The local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost. If planning permission is to be granted, advises that this should be subject to conditions for archaeological mitigation, to be informed by a preliminary phase of exploratory trial trenching. Also notes concerns provided by Historic England concerning the setting issue of Kirby Muxloe Castle.

Leicestershire County Council, Ecology

No response received. Previously made comments in relation to application 22/0637/FUL, commenting that the ecology survey found no evidence of protected species using the site and that the habitats are of low ecological value. Commented on the Biodiversity Net Gain (BNG) proposals and recommended a condition requiring a Biodiversity Offsetting Management Plan to be submitted and approved.

Leicestershire County Council, Highways

No objection. Considered that the impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe. Notes the previous applications on the site and that these were not received on highway grounds. The Local Highway Authority (LHA) is satisfied that the proposed access is safe and suitable to serve the proposed development. Public Footpath V77 runs adjacent to the proposed development but the LHA is satisfied that the use and enjoyment of the footpath would not be significantly affected. The LHA also considers the site to be in a sustainable location in transport terms. Conditions are recommended relating to boundary treatments adjacent to the public right of way, access arrangements, visibility splays, and site drainage.

Leicestershire County Council Local Lead Flood Authority (LLFA)

Considered that the application documents submitted were insufficient for the LLFA to provide a substantive response. Notes that the site is in Flood Zone 1 but clarification is required as to the discharge rate proposed and any adjustments to surface water storage. The LLFA would expect the greenfield discharge rate to be used. Further information is requested regarding the ditch into which surface water is proposed to be discharged and evidence that a gravity solution is not available for discharging surface water to the ditch.

Leicestershire County Council Tree Officer

No response received.

Historic England

Objects to the application on heritage grounds and raises serious concerns with the impact of those development and the resulting medium to high level of harm to the significance of Kirby Muxloe Castle, a scheduled monument and grade I listed building. Comments that the scheme would remove a positive part of the castle's setting, eroding the understanding and experience of that historic landscape context. Comments that the application has not submitted a heritage statement or assessment of the impacts. In addition, the proposals would physically impact Kirby Fields Conservation Area and impact upon its setting. Recommends seeking specialist conservation officer advice on this aspect of the proposals.

Ramblers Association

No response received.

Ancient Monuments Society

No response received.

Blaby District Council Neighbourhood Services

No objection but made comments relating to waste collection, with the Council requiring bins to be collected at the public highway. Referred to the requirements of the Building Regulations in relation to carry distances for bins. Referred to access and turning requirements for collection vehicles.

Blaby District Council, Principal Conservation Officer

Comments about the site's relationship with Kirby Muxloe Castle and concurs with Historic England's consideration that the residential development of the site would undermine the quality of experience associated with the historic, open fields which surround the Castle and which make a positive contribution to the significance of the asset's significance. Considers that the development would result in less than substantial harm (middle to high on the scale owing to the high significance of the

heritage asset and its setting making a high contribution to its significance), and would fail to preserve or enhance the setting of the castle.

With regards to the impact on the Kirby Fields Conservation Area, comments that the development seeks to subdivide an existing plot, leading to an undesirable tight grain residential development protruding beyond the settlement and conservation area boundary in a dislocated manner. Comments that the proposed development seeks to draw most of its design principles from existing negative influence on the conservation area, including plot subdivision and density which would undermine the overriding character and appearance. Just because these established elements exist, it does not provide adequate justification to further dilute and weaken the character and appearance of the conservation area. Considers that the harm to the conservation area would be at the lower end of the scale of 'less than substantial harm'. Does not consider that the limited benefits attributed to self/custom-build homes in this area would sufficiently outweigh the harmful impacts of the proposal and considers that any need for self/custom-build dwelling could be met in more suitable and less sensitive locations elsewhere.

Leicestershire Archaeological and Historical Society

No response received.

Representations

25 Public comments have been received all in objection to the planning application. The comments raised are detailed below:

- The development will affect the view from Kirby Muxloe Castle – Grade I listed ruins.
- The development will harm the Kirby Muxloe Conservation Area
- The private roads (maintained by residents) that service the Kirby Fields residences cannot take the traffic/will cause traffic problems.
- The application should be refused in the same grounds as the two previously submitted applications. Similar application to previous.
- Concerns regarding the development of 9 individual houses being built to varying specifications/will confuse architecture of the area.
- Would open up other developments 'planning requests' that would be of negative impact in Leicestershire.
- Green belt issues.
- Heritage issues.
- The size of the plots and proximity to other houses are not in-keeping with the Conservation Area.
- Roundhill is a cul-de-sac that cannot accommodate increased vehicles.
- The access road would have restricted visibility.
- The roads are unadopted and do not have footpaths or street lighting.
- The applicant's current proposal also cannot overcome the reasons for refusal (referencing previous applications) despite the approach now adopted through arguing self build and custom housing.
- Concerns regarding neighbouring privacy due to the layout of plots that would overlook neighbours gardens.

- The site is located within the Green Wedge.
- Concerns regarding damage to fauna and vistas.
- The increase in population where there are not enough amenities: doctors, surgeries, schools and access.
- Road is not wide or suitable enough for heavy construction traffic.
- References made to dog breeding on site.
- Concerns regarding noise, fumes and inconvenience to neighbouring properties.
- The application under self-build does not alter the application.
- The development of this site remains contrary to the development plan and NPPF as confirmed by the recent refusals for what is essentially the same development.
- The benefits resulting from the proposed development remain limited and largely constrained to the delivery of the benefits generated by any residential scheme in any sustainable location.

Relevant History

22/0637/FUL – Residential development of nine dwellings including associated access, landscaping and drainage – Refused 25th October 2022

21/1257/CLE – Incidental residential use of the land – Permitted 31st March 2022.

21/1168/HH – Demolition of side extension – Approved 12th January 2022.

20/0722/FUL - Residential development of nine dwellings including associated access, landscaping and drainage – Refused 1st July 2021

19/0607/FUL – Residential development of 14 dwellings including associated access, landscaping and drainage – Withdrawn 8th August 2019

07/0532/1/PY – Relocation of timber stable block to adjacent agricultural land and change of use from agricultural land to land for the keeping of horses at Land adjacent to Holmewood House, Holmewood Drive, Kirby Muxloe – Approved 30th October 2007.

The Site and Existing Use

The application site predominantly comprises a plot of open and undeveloped land and part of the residential garden area to No.6 Roundhill, equating to approximately 1.2 hectares in area. The majority of the site is situated outside of the Settlement Boundaries of Kirby Muxloe in an area defined as Green Wedge by the Policies Map of the Blaby District Local Plan (Delivery) Development Plan Document (2019). Only the vehicular access and part of the access road are located in the Settlement Boundary. The only point of access to the site is via a series of unadopted private roads which are within Kirby Fields Conservation Area.

The site is located in a prominent and elevated position, just outside of the northern edge of the Conservation Area and is adjacent to a public right of way (V77). Established dwellings within the Conservation Area are situated to the south and west, with open fields and elevated ground gently falling to the west and north. This land

forms part of the setting of Kirby Muxloe Castle, a Grade I Listed Building and Scheduled Monument.

Other features of archaeological interest are also known to be close to the site, as confirmed by Leicestershire County Council's Planning Archaeologist. These include the projected line of the Roman Leicester to Mancetter Road as well as Roman metalwork, some undated, linear archaeological features to the north of the site and a series of circular and subcircular archaeological features to the south east.

The site is covered by the Leicestershire County Council Kirby Muxloe (Kirby Fields) (County) Tree Preservation Order (1963) with various trees and hedgerows situated along the field edge. Post and wire fencing is evident along the field boundaries adjacent to open fields whilst a suburban looking close boarded timber fence exists along the eastern boundary with the property known as 'Holmewood'.

A large climbing frame/play apparatus lies close to the northern site boundary and has a somewhat alien appearance in this location. Mature vegetation comprises the western boundary of the rear garden of No.6 Roundhill with its immediate neighbour at No. 5.

Although the site is in an elevated position and is within Flood Zone 1, some 200 metres from the nearest watercourse, the size of the site has necessitated the submission of a site-specific Flood Risk Assessment.

Following the refusal of application reference 20/0772/FUL, the applicant submitted an application for a Certificate of Lawfulness for the existing claimed use as residential garden land. The supporting information and evidence submitted was reviewed and assessed and, based on the balance of probability, it was considered that the site has a lawful incidental residential use. However as insufficient evidence had been submitted to demonstrate that the land formed curtilage it does not benefit from Class A permitted development rights.

However, irrespective of the applicant's claim that the site has been used as a residential garden, the District Planning Authority considers that there is a significant difference between the open, spacious and undeveloped character of the site, even as a garden, in comparison with an intensive, suburban type housing development.

On this basis, the District Planning Authority does not attribute any weight to the principle that the use of the site as a residential garden has compromised the site's Green Wedge function and makes its decision based on the relevant policies contained within the Development Plan.

The Proposal

This application seeks permission for up to nine serviced plots for self-build and custom housebuilding. The application is outline and as submitted all matters are reserved except for the proposed access from Roundhill, which will run between No. 5 and 6 Roundhill following approval to remove the side extension (application reference 21/1168/HH).

Application documents submitted state that the proposed use of the site is C3 residential and the schedule of accommodation includes 6 no. 6 bedroom dwellings, 2 no. 5 bedroom dwellings and 1 no. 4 bedroom dwellings. It goes on to state that each plot will have parking for at least four cars, with two secure garage spaces and two hard standing off-street spaces.

The proposed site plan illustrates the proposed access track from Roundhill, which runs through the centre of the site providing a turning head for the plots.

EXPLANATORY NOTE:

Planning Policy and Legislation

National Planning Policy Framework (2021)

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.

Section 16 of the NPPF sets out the policy framework for development proposals that affect designated and non-designated heritage assets.

Paragraph 194 states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets, including any contribution made by their setting in order to understand the potential impact of a development proposal on their significance.

Paragraph 195 states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 200 goes on to state that *“any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Paragraphs 201 – 202 discuss the varying degrees of harm that development can have on designated heritage assets in conjunction with the weight that should be attributed to decision making on development proposals. In the case of a development proposal causing substantial harm (or total loss of significance of) a designated heritage asset, planning permission should be refused, unless it can be demonstrated that the development would have substantial public benefits that would outweigh the substantial harm or loss. Where a development proposal would lead to less than substantial harm to the significance of a heritage asset, the degree of harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

With respect to paragraph 203, the effect or scale of direct and indirect harm that a development can have on the significance of a non-designated heritage asset needs to be balanced against the significance of the heritage asset.

Paragraph 206 states that Local Planning Authorities *“should look for opportunities for new development within Conservation Areas...and within the setting of assets, to enhance or better reveal their significance”*. It also states that proposals that preserve the elements of a setting that make a positive contribution to the asset should be treated favourably.

Legislative and Policy Context

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when making any decision on a planning application for development that affects a listed building or its setting, a Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

In addition, Section 72 of the Act explains a Local Planning Authority’s duty with respect to any buildings or other land in a Conservation Area, stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Historic Environment Good Practice Advice Planning Note 3: The Setting of Heritage Assets (2017) published by Historic England, defines setting as the surroundings in which a heritage asset is experienced. It states that the extent of setting is not fixed and may change as an asset and its surroundings evolve and that certain elements may make a positive or negative contribution to the asset's significance.

The Good Practice Advice also states that the extent and importance of setting is often expressed by reference to visual considerations. It also states that whilst views of or from an asset play an important part in the role of an asset's setting, this can also extend to other environmental influences such as noise, dust and vibration from other land uses in the vicinity.

In applying this context alongside the application site and the proposal itself, it is important to understand the significance and contribution made by any designated and non-heritage assets in the locality.

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

Policy CS1 – Strategy for Locating new Development

The policy supports sustainable development by directing most new housing and employment development towards locations within and adjoining the Principal Urban Area (PUA) of Leicester. Outside the PUA development it states that development will be focused towards Blaby (which has the District's only designated town centre) and the Larger Central Villages. Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives.

Policy CS2 – Design of new development

Policy CS2 Seeks to ensure that a high quality, safe and socially inclusive environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. New development should also provide opportunities to enhance the natural and historic environment. Innovative design will be supported where it is appropriate to its context.

Policy CS5 – Housing Distribution

Policy CS5 outlines the distribution of new residential development in the District. Within the PUA (which includes Kirby Muxloe), the Council's Core Strategy identifies that a minimum combined figure of 5,750 dwellings are required over the plan period of 2006-2029. It is noted that 4,250 of these required dwellings are to be met by the New Lubbethorpe Strategic Urban Extension (SUE).

Policy CS16 – Green Wedges

Policy CS16 of the Council's Core Strategy states that Green Wedges are important strategic areas, designated in order to prevent the merging of settlements, to guide development form, to provide a green lung into urban areas and to provide a recreational resource. The Green Wedge also protects the District's natural environment, landscape, geology including the District's cultural heritage by recognising its contribution to local distinctiveness.

The policy states that land or development in Green Wedges should:

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

Policy CS19 – Biodiversity and geo-diversity

Policy CS19 indicates that important areas of the District's natural environment, landscape and geology will be protected and enhanced, where appropriate, and seeks to maintain and extend natural habitats where appropriate.

Policy CS20 – Historic Environment and Culture

In terms of the Development Plan, Policy CS20 of the Core Strategy takes a positive approach to the conservation of heritage assets and the wider historic environment through ensuring that development proposals protect and enhance heritage assets. Development proposals are required to avoid harming the significance of historic sites, buildings or areas, including their setting.

Policy CS21 – Climate Change

Policy CS21 states that development which mitigates and adapts to Climate Change will be supported and that the Council will contribute to achieving national targets to reduce greenhouse gas emissions with new developments.

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.

While the site is located within Flood Risk Zone 1 (low risk of fluvial flooding) and at low risk of flooding, the applicant has provided a Flood Risk Assessment (Revised 24/04/2019) and Drainage Strategy (Revised 24/04/2019). The applicant has failed to update these reports following previous consultation comments from the LLFA on previously refused applications, however as this application does not seek to confirm the layout at this stage the insufficiency of the documents provided would not warrant reason for refusal under Policy CS22.

Policy CS24 – Presumption in Favour of Sustainable Development

Indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

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

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 of the Delivery DPD states that within the settlement boundaries, development proposals consistent with other policies of the Local Plan will be supported where certain criteria are met. It also states that a development proposal must be in keeping with the character and appearance of the area, not result in the overdevelopment of the site due to factors including footprint, scale and massing, and have a satisfactory layout, design and external appearance.

The access proposed will be located within the settlement boundaries, however the majority of the development is located within the Green Wedge and Policy DM2 applies further. It is however recognised that the proposed acoustic wall as noted in the noise assessment and illustrative plans was previously refused for its harm and the overall proposal would have a negative impact on the Conservation Area, by being out of keeping and by virtue of its cramped and cul-de-sac design. Therefore, the development would fail to accord with Policy DM1.

Policy DM2 – Development in the Countryside

Policy DM2 seeks for development to be in keeping with the appearance and character of the existing landscape, development form and buildings, provide a satisfactory relationship with nearby users and not undermine the vitality and viability of existing town, district and local centres.

Furthermore, Policy DM2 makes reference to Core Strategy Policy CS16, which sets out the strategic approach for areas designated as Green Wedge. It states that whilst this policy restricts built development in this location, Policy DM2 applies in circumstances where development would not be harmful to the functions of the Green Wedge.

In this case, given that harm to the functions of the green wedge has been identified, the content of the Policy is not required to be considered further.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision which complies with Leicestershire Highways Design Guide (LHDG) 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.

Policy DM10 – Self and Custom Build Housing

Policy DM10 states that proposals for self and custom build housing will be supported in suitable locations. The Council will maintain a register of prospective self and custom house builders and have regard to the register in its decision making, plan making, housing and regeneration functions.

A suitable plot under the Self-build and Custom Housebuilding Act 2015, means that the land is suitable for a building a house (at the point of acquiring land suitable, a person may remove an entry from the register).

A serviced plot under the Act states that a plot of land:

- a) has access to a public highway and has connections for electricity, water and waste water, or
- (b) can be provided with those things in specified circumstances or within a specified period.

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. All proposals affecting either a designated or non-designated heritage asset and/or its setting will need to submit a statement which includes the following:

- a description of the heritage asset and its setting, proportionate to its significance;
- a clear identification of the impacts of the development proposal on the heritage asset and its setting;
- a clear justification as to why the impacts could be considered acceptable; and
- demonstrate how the proposal is consistent with Core Strategy Policy CS20

Policy DM12 states that where substantial harm is identified to Designated heritage assets, 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.

Leicestershire Highways Design Guide

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

- provide road layouts which meet the needs of all users and do not allow vehicles to dominate;
- create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and
- help create quality developments in which to live, work and play.

Planning Considerations

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

Principle of the development

The main body of the site is located outside of the Settlement Boundaries of Kirby Muxloe and the PUA, as defined by the Policies Map of the Delivery DPD (2019) and Policy CS5 of the Core Strategy.

It is acknowledged that the site adjoins the PUA and village of Kirby Muxloe, however the development is required to be considered under other policies of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Development Blaby District Local Plan (Delivery) Development Plan Document (2019).

As of 1st April 2021, 7,078 dwellings were recorded as either built or committed to be built in the Principal Urban Area of the District. This is 1,328 dwellings over the minimum requirement set out in Local Plan Core Strategy Policy CS5 Housing Distribution. Furthermore, at 1 April 2021, the Council had a 5.75 years housing land supply. Whilst it is acknowledged that the above figure is a minimum requirement, the delivery of 9 units would not make a substantial contribution to the Council's overall housing need in a location where the need to retain the Green Wedge needs to be balanced against the need to provide new development (including housing) in the most sustainable locations.

Design and appearance

The details of the development in regard to internal layout and external design and layout will be subject to an application for reserved matters, therefore these are not being considered as part of this application. However, the application does need to consider whether the dwellings can be satisfactorily accommodated on the site without having a detrimental impact on the character of the area. In addition and as discussed above the proposed access dictates some of the layout of the scheme in regard to its cul-de-sac layout, therefore it is considered acceptable that this is also considered. Furthermore, the layout of up to 9 dwellings off this access track with individual dwelling access indicates the density and layout of the site.

Due to the proposal's density and formal cul-de-sac arrangement, the proposed residential development would result in an overdeveloped site and be significantly out of keeping with the open and spacious Green Wedge location and immediate surroundings, including the historic character and prevailing grain of the majority of the Kirby Fields Conservation Area.

The proposed access road intended to serve the residential development would be situated within the front and rear garden of No.6 Roundhill and would immediately abut the boundary with No.5 Roundhill, running the entire length of the plot and beyond for

a total length of approximately 150 metres. The resulting works would sub-divide No.6 and would occupy a substantial amount of land that exists within the plot.

The District Council considers the sub-division of No.6 Roundhill to facilitate an access road to serve the proposed development would ultimately result in a cul-de-sac form of development that would need to be accessed via Roundhill, an existing cul-de-sac itself. If approved, it is considered that these proposed works would undermine the prevailing character of Kirby Fields Conservation Area by failing to preserve or enhance the special qualities of its setting, resulting in permanent and irreversible harm to its setting and significance through the formation of a cul-de-sac within an existing cul-de-sac.

Consequently, the proposal would be contrary to Policy CS2.

Impact on the Green Wedge

The proposed development would be situated on an elevated and prominent parcel of land within the Green Wedge and outside of the PUA (although part of the proposed site access and private road would be located within the settlement boundary of the PUA).

Notwithstanding the site being in private ownership, owing to its location, the proposal would represent an unwarranted intrusion of urban development beyond the settlement envelope of Kirby Muxloe into a predominantly, undeveloped and spacious area of Green Wedge that forms an important green buffer as part of the setting to Kirby Muxloe Castle and Kirby Fields Conservation Area. The proposal would breach the defined envelope of the settlement and would appear dislocated from the boundary of Kirby Fields Conservation Area.

Your Officers consider that the site is an important part of the Green Wedge insofar as it prevents the merging of settlements and will be maintained in the location of the site. The Green Wedge is important as it guides development form and provides a green lung into urban areas. The proposed development would pay little regard to the open and spacious character of the Green Wedge and the intended cul-de-sac layout accessed through an existing cul-de-sac would neither preserve nor enhance the Green Wedge's cultural heritage as it would cause undue harm to the setting of designated heritage assets as well as the character and appearance of the landscape.

Furthermore, the development of land in the Green Wedge is not considered acceptable due to the overdevelopment of the site, its prominent position and how the site is viewed from the Kirby Fields Conservation Area and its setting in relation to Kirby Muxloe Castle. It is clear that this site in the Green Wedge has continued under the strategic objectives of Policy DM2 to preserve and enhance the cultural heritage of the District and that development on this site would be harmful.

Consequently, the proposed development would be contrary to Policies CS1, CS16 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM12 of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

Biodiversity and Landscaping

The application provides an indicative layout, which includes a 5-metre ecology enhancement buffer to the north and western boundaries of the site, along the existing vegetated boundaries. An updated Preliminary Ecological Appraisal dated August 2022 was submitted, which does not reference the buffer, however, recognises that the applicant has provided a tree replacement scheme, with new hedgerows included in the design.

As the application is provided with all matters reserved except for the proposed access, the tree schedule provided could be altered at reserved matters subject to plot layouts therefore cannot be wholly considered at this stage. The ecology survey however, is a material consideration, which concludes that:

'The site supported common and widespread habitats low in ecological value. No signs or evidence of protected, priority or rare species were identified. The proposal would retain boundary vegetation protecting the habitat of highest ecological value on the site.'

'Biodiversity enhancements are provided and if followed as described, they would provide a net gain measured through Natural England's Metric 3.0.'

The report and overall proposed development of the site is similar to that refused under previous applications where the delegated report concluded the following:

'Leicestershire County Council's Planning Ecologist did not provide objection to the planning application and wrote that overall, the habitats on site are of low ecological value. It was advised that a condition could be attached to the permission requiring the submission of a biodiversity offsetting management plan, to provide a minimum of 5% biodiversity net gain on the reported biodiversity loss.'

The site's proposed use and tree cover was considered under previous applications, where Leicestershire County Council Forestry and Landscaping Officers provided the following advice: 'After visiting the site on 13/7/2022 it does not appear that the development impacts on the LCC TPO - Kirby Fields 1963 order. The trees on site that are to be removed in the proposed development are not of significant age and are not old enough to be covered by the Tree Preservation Order. The application and subsequent plans are in line with BS 5837 and adequate replanting of removed trees is shown'.

It is therefore, considered that the site development could be delivered in accordance with Policy CS19.

Impact on Heritage Assets

Impact on Kirby Muxloe Castle

The application site is located in a prominent and elevated position, just outside of the northern edge of the Conservation Area. The elevated ground that gently falls to the north and west and includes the setting of Kirby Muxloe Castle, a Grade I Listed

Building and Scheduled Monument. Views of the upper parts of Castle ruins can be observed from the site and from Public Right of Way (V77).

The Castle is of significance as, according to the Historic England listing entry it comprises the remains of a 14th century manor house and an impressive 15th century quadrangular castle. The 15th century gatehouse and the southwestern tower survive in a near-complete condition and the monument also includes extensive archaeological and environmental deposits. In addition, Kirby Muxloe Castle is described as a “*spectacular example of a late medieval quadrangular castle of the highest status*” and represents one of the Midlands’ greatest early brick buildings.

Furthermore, the scheduled monument’s setting makes a vital contribution to the site’s overall significance. This includes views to and from the castle at both ground level and the upper stories of the listed ruins, and from elevated positions off site. It also includes the dynamic experience of approaching and traveling through the landscape which surrounds the monument.

A key part of the setting is the historic landscape context, with the adjacent areas of open and undeveloped landscape being of particular importance. These areas to the south and east are the last vestiges of a wider landscape inherently tied to the site. They represent the areas used for elite hunting, control and display, and the agricultural hinterland which serviced the Castle. They form the least altered parts of its immediate setting and as such have a key place in understanding and experiencing the site’s intended and acquired historic landscape context. This includes the application site.

Kirby Fields Conservation Area

Kirby Fields Conservation Area was formally designated by Blaby District Council in 1990. It comprises approximately 36 hectares (360,000 sq metres) of land that is almost entirely residential in nature. The Character Statements plots a historic timeline of the development of Kirby Fields after 1877, when half of the 77-acre site at Kirby Fields Farm (The Old House) was sold off into 41 building plots. This resulted in a series of large, individually designed houses being built for the business and professional classes and by 1925, approximately 50 houses had been built.

The historic arrangement of these large houses within spacious grounds in Kirby Fields is brought together by an informal network of private roads and attractive, mature landscaping. Whilst development pressures in the mid-20th century has eroded some of the character to the area by virtue of more roads and smaller plots being built, much of it has been successfully assimilated by the mature landscaping throughout Kirby Fields.

However, the overriding message from the Character Statement makes it clear that the groups of smaller houses and smaller plots do not visually determine the overall character of the area and that the character of Kirby Fields is still determined by the larger, individual dwellings set in spacious plots along with the original road layout and network of landscaping.

Other Designations

Having regard to other designations, there is one listed building within the boundary of Kirby Fields Conservation Area, a Grade II Listed property called The Spinneys which was built in 1898. This dwelling is located approximately 310m to the southeast as the crow flies and its immediate setting is unlikely to be unduly harmed given the intervening distances and dwellings.

The Council does not have a local list of non-designated heritage assets, but an examination of the Heritage Gateway indicates three large dwellings in close proximity to the application site that have been in situ since the late 19th and early 20th century and could be considered non-designated heritage assets by virtue of their age and association to Kirby Fields. These buildings are Holmewood, at the head of Holmewood Drive, immediately to the east of the application site. The remaining two dwellings are Cliffe House, situated on the junction of Forest Drive and Hastings Road, and Roundhill Manor, on the approach side of the access to the cul-de-sac at Roundhill. Although these buildings are not protected by statute, it is considered that the wider setting of these non-designated heritage assets could be compromised as a result of the proposed development.

Heritage Statement

The applicant has submitted a Heritage Statement in accordance with paragraph 194 of the NPPF and Policy DM12 of the Delivery DPD, describing the significance of the Castle, Conservation Area and designated and non-designated heritage assets.

However, disappointingly the statement states in paragraph 6.6 that the proposed development would not harm the setting or overall significance of Kirby Muxloe Castle as the application site *“is not considered to contribute to the heritage significance of Kirby Muxloe Castle through the setting. The site has an enclosed domestic garden character and weak intervisibility with the uppermost elements of the castle”*. The District Planning Authority disagrees with this statement, especially where point 6.2 considers that *“The Kirby Fields Conservation Area and Kirby Muxloe Castle have been identified as having the potential to be affected by the proposed development.”*

Paragraph 6.7 of the Heritage Statement recognises that the *“significance of the Kirby Fields Conservation Area is principally derived from those elements of its intrinsic character and appearance”*, which *“befits the origin of the area as a later 19th- and early 20th-century residential estate”*. Paragraph 5.27 considers that *“There is no statutory protection for the settings of Conservation Areas, although it is evident that the elements of the surrounds of the Conservation Area make some contribution to its significance”*.

Paragraph 6.4 of the Heritage Statement considers that *“The character and function of this part of the site has changed since the construction of Holmewood House to the east, from agricultural land to domestic garden, and it is largely enclosed by vegetation, meaning that there are only filtered views across it to the wider landscape beyond”*.

The Heritage Statement concludes that the proposed development *“Should it be possible to glimpse the new dwellings from the castle, the footpath or land to the north, this new built form will ultimately blend with and be seen in the context of existing built form in the vicinity of the site, specifically the house to the east. As such, the proposed development will not cause harm to the heritage significance of Kirby Muxloe Castle through changes in setting”*. Again, the District Planning Authority disagrees with this statement.

The Heritage Statement also refers to Paragraphs 201 and 202, where the harm to a designated heritage asset will be weighed against the public benefits, with 3.28 of the statement writing that *“Any ‘heritage benefits’ arising from the proposed development...will be clearly articulated in order for them to be taken into account by the Decision Maker”*.

The Planning Statement references the ‘substantial social benefits’ of the provision of self-build and custom housebuilding plots, this has not been demonstrated and as per previous refusals the harm of a small number of dwellings (up to 9), would not outweigh any harm.

Economically, it is considered that the proposed development would only provide limited, short-term benefits to the construction industry from an employment perspective. The principal financial benefactor would in essence be the applicant, landowner and the subsequent developer and consequently, would not equate to ‘public benefit’

An ecological report was submitted in support of the proposal. Various trees on the site benefit from protection by the presence of a Tree Preservation Order, some of which would be protected further by a proposed 5m ecological buffer zone along the site’s northern and western edges as established during the previous application. The ecology survey found no evidence of protected species on site. However, notwithstanding the above, it is considered that the intrusion of built development into an area of undeveloped Green Wedge would possess limited environmental benefits.

It is concluded that the somewhat generic public benefits of delivering this proposed development would not outweigh the harm caused to the setting of several designated heritage assets, which would harm their significance. It is considered that such benefits could be met elsewhere in the District of Blaby without permanently compromising a sensitive site on the edge of Kirby Fields Conservation Area as well as the wider setting of a high status Listed Building and Scheduled Monument at Kirby Muxloe Castle.

Bearing in mind this advice and previous advice from Leicestershire County Council Principal Historic Buildings Officer in regard to developing the site and its impacts on Heritage Assets, the development does not overcome overriding concerns relating to the impacts on Heritage Assets.

Archaeology

Leicestershire County Council’s Planning Archaeologist has referred to the likelihood of historic remains within the site. Although these are generally subterranean, they

include the projected line of the Roman Mancetter Road as well as Roman metalwork archaeology. The site is also close to some undated, linear archaeological features located to the north of the site, including a series of circular and sub-circular archaeological features to the south east.

Historic England have objected to the application stating that *'Although now an outline application, the current scheme has not substantially differed from the previous proposals. It remains our view that the scheme would negatively impact Kirby Muxloe Castle by removing a positive part of the site's setting, eroding our understanding and experience of that historic landscape context'*.

'Historic England objects to the application on heritage grounds. We have serious concerns with the impact of this development and the resulting medium - high level of harm to the significance of Kirby Muxloe Castle.

In addition to the above, the proposals would physically impact Kirby Fields Conservation Area and impact upon its setting. We do not intend to comment in detail on the conservation area and instead recommend you seek the specialist advice of your Conservation Officers on this aspect of the proposals. We recommend consultation with Leicestershire County Council's historic environment team with regards to the archaeological impacts of proposals'.

Impact on Neighbouring Dwellings

As the application is outline at this stage, it is not possible to consider the impacts on neighbouring amenity from the proposed development in regard to any overlooking or privacy concerns. The development previously refused under application reference 22/0637/FUL and prior to that under reference 20/0772/FUL were considered unacceptable due to increased activities and vehicular movements associated with a proposed residential development in this location, were it was considered that they would have a detrimental impact in terms of noise and disturbance, resulting in the proposal having an unsatisfactory relationship with neighbouring occupiers owing to their existing enjoyment of residential amenity being significantly diminished. No updated Noise Assessment has been provided; therefore, it is not considered that the proposal has altered in regard to the Officers previous concerns.

The previous refusals sought permission for a 2m high brick wall separating No. 6 Roundhill from the proposed access road, this is now shown on the altered and illustrative plans as 1.8m albeit the Noise Assessment (unaltered from previous application) submitted with the application considers that a 2m high acoustic fence would be sufficient to reduce noise levels. This proposed wall was previously considered to be detrimental to the character of the area and is a prudent reason to refuse this application.

Consequently, the proposed development was considered contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document 2013 and Policy DM1(a) of the Blaby District Local Plan (Delivery) Development Plan Document 2019.

Highway Impacts and Access

Leicestershire County Council Highways consider that the proposed access is safe and suitable to serve the proposed development but have considered the indicative layouts shown on the Proposed Site Plan Drawing in regard to the proposed internal layout due to the application being in outline form at this stage.

The Use and Amount Statement submitted with the planning application confirms a minimum of four parking spaces per proposed plot, for a development over 5 dwellings, it is advised that the Department for Communities and Local Government (DCLG) paper method is used. It is however noted that LCC Highways previously referenced parking provision in accordance with Part 3, Paragraphs; 3.151, 3.165 and 3.200 of the LHDG. Paragraph 3.151 requires at least three spaces for a dwelling of four-bedroom or other locations where car ownership is likely to be higher.

It therefore considered that the proposal is acceptable in regard to Policy DM8, subject to confirmation of internal layout and parking provisions at reserved matters stage.

Self and Custom Build Housing

The applicant considers that the plots are serviced and therefore the Council has no reason to disagree. However, although the applicant considers that the provision of self and custom build housing adds positive weight to the proposals, it is not considered that the site is suitable for housing development for the following reasons and as per previous planning application refusals:

- The site is a prominent parcel of open space within an area of Green Wedge situated outside of the settlement boundaries of Kirby Muxloe, part of the Principal Urban Area of Leicester as defined by the Blaby District Local Plan (Delivery) Development Plan Document
- By virtue of its location, the proposal would represent an unwarranted intrusion of urban development beyond the settlement envelope of Kirby Muxloe into an important area of Green Wedge that forms part of the setting to Kirby Muxloe Castle and Kirby Fields Conservation Area.
- The subsequent loss of this area would be severely detrimental to the historic context and setting of Kirby Muxloe Castle, resulting in harm to the significance of the scheduled monument and grade I listed ruins.
- The sub-division of No.6 Roundhill to facilitate the provision of an access road to serve the proposed development would intrinsically undermine the prevailing character of Kirby Fields Conservation Area.
- By virtue of its density and formal cul-de-sac arrangement the proposal would result in the overdevelopment of the site and would be of unsatisfactory layout and design.
- The proposed road intended to provide access to the residential development would be situated within the front and rear garden of No.6 Roundhill and would

immediately abut the boundary with No.5 Roundhill, running a total length of approximately 150 metres. The increased activities and vehicular movements associated with a proposed residential development in this location would have a detrimental impact in terms of noise and disturbance.

The applicant has provided Draft Heads of Terms confirming that the applicant proposes to enter into a Section 106 agreement with the council in regard to the nine serviced self-build and custom plots. This is issued alongside a Design Code for the development. However, the Government guidance on self and custom build housebuilding states the following:

“In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing”.

The heads of Terms do not appear to reference the initial owner’s requirement and ability to be able to design their own homes as per the guidance, however, the ‘Design Code and Plot Passport’ states in Section 2.4 of the report that ‘The design of each dwelling will be tailored to the purchases brief, albeit constrained by the code and passport requirements’. It is possible that the proposed dwellings would comply with the Self-build and Custom Housebuilding Act 2015.

Whilst the Local Plan and Self-build and Custom Housebuilding Act 2015 may encourage self and custom build housing, this site has previously not been considered suitable for the reasons outlined above and remains unchanged by the proposed 9no. dwellings. Whilst the provision of self and custom build housing may have some benefit in meeting this need in the District, this is not outweighed by other harm the development would cause, including the loss of Green Wedge, and harm to the conservation area and the setting of Kirby Muxloe Castle.

The Public version of the Self-build and Custom Housebuilding Register was reviewed when considering this application submission and it was noted that out of the 95 entries made from 2016 to 2023 only six individuals had registered an interest in plot sizes of 300m² plus (as per this proposal), where location (by parish), had specifically been noted as Kirby Muxloe. In addition, not one of these entries identifies Kirby Muxloe specifically; with other areas being noted for each entry as a place where an individual would be interested in building their own home in Blaby. Therefore, there is not specific reason why this development for Self-build and Custom Housebuilding should occur within this site, within Kirby Muxloe based on the up-to-date register and that other more suitable sites could not be provided that would not harm the Green Wedge, Kirby Muxloe Castle and Kirby Fields Conservation Area.

Overall Planning Balance and Conclusion

In conclusion, and for the reasons set out above, taking into account the principles set out in Local and National Policy and guidance including the three dimensions of sustainable development (economic, social and environmental) set out in the NPPF and policies in the adopted Development Plan, in addition to all other material

considerations, the proposed development is considered to be on balance unacceptable.

Accordingly, this application is recommended for refusal subject to the reasons set out above.
