

## Blaby District Council

### Planning Committee

**Date of Meeting** 4 April 2024  
**Title of Report** Applications for Determination  
**Report Author** Group Manager – Planning & Strategic Growth

#### 1. What is this report about?

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

#### 2. Recommendation

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

#### 3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **20 March 2024** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	22/0048/FUL	9	Lychgate Lane, Aston Flamville	APPROVE
	20/1373/FUL	58	Land rear of 27 to 45 Avon Road, Braunstone Town	APPROVE
	21/1110/LBC	84	Land rear of 27 to 45 Avon Road, Braunstone Town	APPROVE
	23/0740/FUL	95	Highfields Farm, Stoney Stanton	APPROVE

### **3.3 Appropriate Consultations**

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

### **3.4 Resource Implications**

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

## **4. Other options considered**

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

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

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

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

Ian Davies and Stephen Dukes    Development Services Team Leaders  
[planning@blaby.gov.uk](mailto:planning@blaby.gov.uk)                      0116 272 7705

**22/0048/FUL**

**Registered Date  
04 August 2022**

**Elgin Energy EsCo Ltd**

**Ground mounted photovoltaic solar farm with an electrical generating capacity of approximately 20MW together with associated equipment, infrastructure and ancillary works.**

**Land North and South of Lychgate Lane, Aston Flamville**

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

## **RECOMMENDATION**

### **THAT APPLICATION 22/0048/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. Statutory 3 year condition.
2. Development to be built in accordance with approved plans and documents.
3. Permission granted for a period of 40 years from first export of electricity and site decommissioned and restored after this period.
4. Decommissioning Scheme to be submitted and approved no later than 39 years from the date of the first export of electricity and implemented as approved.
5. In the event of site is no longer required for purposes of electricity generation or ceases to operate for a continuous period of 12 months prior to the expiry of the 40 year period; a Decommissioning Scheme shall be submitted and approved.
6. Prior to the commencement of development full details of final location, design, materials (including colour) to be used for the panel arrays, substation, inverters and CCTV cameras to be submitted and approved.
7. Construction methods for access tracks to be submitted.
8. Landscape and Ecological Management Plan (LEMP) to be submitted to and approved and to be adhered to for the lifetime of the development.
9. Detailed scheme for landscaping the site to be submitted and approved.
10. Landscaping to be implemented by end of first planting season following commencement of development.
11. Biodiversity Management Plan to be submitted and approved. Strategy to be based on submitted Biodiversity Net Gain metric and consistent with approved LEMP and adhered to for lifetime of the development.
12. Development to proceed in accordance with the recommendations of the submitted Ecology Report.
13. Tree and hedges on the site to be protected in accordance with the methods outlined in Arboricultural Impact Assessment and the Tree Protection Plan and adhered to during construction and decommissioning periods.
14. Replacement hedge to be planted at Parcel B access in accordance with submitted and approved details.
15. Details of any external lighting to be submitted and approved prior to its installation.

16. Updated Construction Management Plan, including construction traffic routing, to be submitted and agreed and subsequently adhered to.
17. Construction works to be undertaken in accordance with the submitted Noise Impact Assessment.
18. Operation of solar farm to be undertaken in accordance with the submitted Noise Impact Assessment.
19. Methodology for soil stripping, storage and replacement to be submitted and agreed.
20. Details of surface water drainage to be submitted and approved.
21. Details of management of surface water during construction to be submitted and approved.
22. Details of long-term maintenance of surface water drainage system to be submitted and approved.
23. All electrical installations to be located within Flood Zone 1.
24. Scheme for treatment of Public Rights of Way V30 and U63 to be submitted and agreed.
25. No gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access during the construction period.
26. Construction access improvements (Parcel B) to be implemented in accordance with submitted details prior to commencement of main construction works.
27. Visibility splays of 2.4m by 65 metres to be provided in each direction at the access to Parcel B prior to the commencement of main construction works.
28. Surfacing of access to Parcel B with hard bound materials for 15 metres behind highway boundary.
29. Highway dilapidation survey to be submitted and approved.

Additional conditions are recommended by LCC Archaeology relating to exclusion zone, no dig construction, and archaeological investigation work. Officers are still in discussion with LCC Archaeology on the requirements of these conditions and Members will be updated at the Planning Committee.

## **NOTES TO COMMITTEE**

This application has been brought before the Planning Committee at the discretion of the Planning and Strategic Growth Group Manager due to the scale of the development.

Members of the Planning Committee are also advised that this is a cross boundary application which straddles Blaby District and Hinckley and Bosworth Borough administrative areas. Each Council is responsible for determining the application in relation to those parts of the site that lie within their own jurisdiction. Liaison with Hinckley and Bosworth Borough Council in respect of the proposals has been ongoing throughout the consideration of the application.

### **Policy and Relevant Legislation**

**National Planning Policy Framework (2023) (NPPF)**

**Planning Practice Guidance (PPG)**

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

Policy CS2 - Design of New Development  
Policy CS14 – Green Infrastructure  
Policy CS18 - Countryside  
Policy CS19 - Biodiversity and Geo-diversity  
Policy CS20 - Historic Environment and Culture  
Policy CS21 - Climate Change  
Policy CS22 - Flood Risk Management  
Policy CS24 - Presumption in Favour of Sustainable Development

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

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

## **Fosse Villages Neighbourhood Plan 2021**

Policy FV4 – Biodiversity  
Policy FV6 - Design  
Policy FV16 – Renewable Energy

## **EN-1: Overarching National Policy Statement for Energy (January 2024)**

## **EN-3: National Policy Statement for Renewable Energy Infrastructure (January 2024)**

### **Other relevant documents:**

- **Blaby Landscape and Settlement Character Assessment (January 2020)**
- **Blaby District Council Climate Change Strategy 2020-2030**
- **Blaby District Council 2030 Net Zero Council Action Plan 2023**

## **Consultation Summary**

### **Aston Flamville Parish Meeting**

#### **August 2022 (Original application)**

*“The Fosse Villages Neighbourhood Plan is supportive of renewable energy projects. Provided that there are no adverse effects on the countryside view from the roads/housing overlooking the site/s and that existing hedgerows are maintained and that any necessary additional natural screening is provided in order to preserve this countryside view, I have no objections.”*

#### **October & November 2022 (Revised application)**

*“Thank you for the opportunity to comment on the additional information provided by the developer re 22/0048/FUL.*

*I have serious concerns/misgivings/objections to elements of the Transport Statement; version 1a dated 7/10/22 which are as follows:*

*Section 3.4 Temporary Construction Compound—no details given of location*

*Section 3.8 States Construction period c16weeks with average HGV movements of 17 HGV's per day (Mon to Sat) so this indicates 1632 HGV movements in the construction period all concentrated on a very narrow Lychgate Lane, which is totally unacceptable. This assumes the developers 17 per day includes ins & outs; if not, read 3264 HGV movements*

*If access to both Parcel A & B are to be via Lychgate Lane strict limitations should apply;*

*1)HGV movement/flow must operate on a one way system along Lychgate Lane because of the narrow roadway. Conflicting HGV traffic flows will damage the verges and cause general chaos.*

*2)HGV movement to the sites should be constrained within a 9-30am to 2-30pm window Mon to Fri. i.e. NO weekend movement*

*3)HGV movements should be limited to 10 per hour.(i.e. 5 in & 5 out)*

*Section 3.12 Car Parking: no details are proposed for the staff car parks*

*Section 4. Access Options*

*The developer says that a new access is required for parcel B and claims in 4.77/4.78 that the current access to the site is not suitable for HGV's.*

*I totally dispute this; the current access by the M69 bridge is bell ended and is used on a daily basis by agricultural vehicles and general traffic and was used within the last two years to deliver a 40ft Mobile Home to the site adjacent to Parcel B.*

*The proposal to build a new field access, within the Conservation area, on a narrow stretch of road, destroying ancient hedgerow and impacting on the adjacent PROW of The Leicestershire Round is not acceptable.”*

*Further comments:*

*“Having further reviewed the information relating to 22/0048/FUL I have the following additional comments:*

**Concept Master Plan:** *This shows ‘a power cable’ connecting the solar arrays in Parcel A to those in Parcel B. The routing of this cable is questioned; it is shown as leaving Parcel A west of the M69 bridge and then travels east along the verge of Lychgate Lane, past Park Villa's and then crosses Lychgate Lane travelling south along the hedgerow before entering Parcel B. A much shorter and less disruptive routing would be for the cable to cross to the south side of Lychgate Lane either immediately before or immediately after the M69 bridge and then head south adjacent to the existing access road and run parallel with the M69 until it reaches Parcel B.*

*This would avoid excessive disruption on Lychgate Lane and disturbance to the existing hedgerow within the conservation area.*

*It would also be in line with my previous comments that the proposal to create a new access track to Parcel B adjacent/opposite Park Villas is unnecessary and unacceptable.*

**LVA**—*Visibility of Parcel B looking south from Lychgate Lane is very clear in places (from the M69 bridge all the way into Aston Flamville, especially on the elevated parts). Whilst paras 6.11/6.12 and 7.7 all confirm this fact and say mitigation measures will be taken I cannot find any detail on what these mitigation measures will be & therefore cannot comment on their acceptability.*

**HGV Access to Parcel B.** *In my previous comments I expressed concerns /disagreement on the Access Track proposal and the routing of all HGV Traffic through Aston Flamville. Has the developer considered accessing Parcel B via the A5 and B578 towards Burbage, leaving the B578 on the road opposite Workhouse Lane and then putting tracking across the fields to Parcel B. Whilst it would involve more tracking it negate the need for the HGVs to enter Burbage or Aston Flamville.”*

November 2023 (Revised application)

“Comments are as follows:

**Landscape Strategy Plan :**

*a)I welcome the addition of the wooded area to shield the views of the Site B looking south from Lychgate Lane, albeit the photomontage is not very convincing (perhaps its my eyesight!).*

*b)I cannot determine whether the proposed new access track to Parcel B is temporary (for the construction period) or permanent. What reinstatement of hedgerows (if temporary) or provision of gates (if permanent) will be made, recognising that this point on Lychgate Lane is within the Conservation area & adjacent to field access PROW for Leics Round.*

*Note: I still do not agree with this proposed access route to Parcel B*

**Transport Statement:**

*General comment: Road names within this report are erratic; please note that when travelling from the B4669 at Sapcote Rd. Burbage towards B4114 at Sharnford the Road Names are:*

*Aston Flamville Rd. Burbage*

*Aston Lane,Aston Flamville*

*Hinckley Rd ,Aston Flamville*

*Sharnford Rd ,Aston Flamville*

*Aston Lane,Sharnford.*

*2.39 Bus service X55 discontinued.*

*3.8 This gives average per day HGV movements over an anticipated 16 week period of 17pd.It also indicates 5.5 to 6 day working.*

*I think a maximum no of HGV movements per day should be stipulated, say 20 maximum Monday to Friday*

*I object to any HGV traffic on a Saturday—Lychgate Lane is a popular walking route & also horse riding route with Lychgate Riding School 300m to the west of the nearest site access. There are no footpaths on this stretch of Lychgate Lane.*

### **Option 4 Constraints**

*I think the constraints are understated in the table*

*4.47 HGV Traffic is approaching from Sharnford Rd, not Hinckley Rd*

*4.49 HGV Traffic conflict is a problem all the way along Lychgate Lane within the 30mph zone*

*HGV's leaving the site will travel east along Lychgate Lane towards its junction with Sharnford Rd where they will turn right. This is a "blind junction" & will put traffic travelling from Sharnford Rd towards Hinckley Rd at risk.*

*These risks should be assessed.*

### **Construction Traffic Management Plan**

*My comments against the Transport Statement carry through to the CTMP- namely that*

*a) No HGV movement on Saturdays*

*b) Max number of HGV movements per day M-F should be stipulated*

*c) Access plans for Parcel B are unacceptable*

*d) Constraints on Lychgate Lane are understated in the Transport Statement & therefore the mitigation actions are insufficient.*

*e) No mention is made of "making good" any damage to verges etc in the construction phase.*

### **Other Comments/Questions**

*I assume that the proposed access to parcel B is for the construction phase only and that operational maintenance visits will utilise the existing bell ended access near the M69 bridge.*

### January 2024 (Revised application - Final Consultation)

No comments received.

### **Blaby District Council, Environmental Services**

#### August 2002 (Response to original application):

Objects to the proposal. No noise assessment submitted.

#### November 2022 (Revised application)

Objection withdrawn. Assessment of construction noise and operational noise are reasonable. Scheme should be implemented as described.

#### October 2023 & January 2024 (Revised application – final consultation):

No further comments to make.

### **Blaby District Council, Principal Planning and Conservation Officer**

Supplementary comments provided following on from comments from Leicestershire County Council's Historic Buildings Officer. Agrees that development would be within

the setting of the Conservation Area and the wider setting of several listed buildings. As such any harm to significance caused by development should be clearly and convincingly justified. Agrees that there would be 'less than substantial harm' to the significance of heritage assets and that the degree of harm could potentially be mitigated but the success of this will depend on the type and level of mitigation in question; even mitigation proposals can be inappropriate owing to unnatural scale or appearance when viewed in their surrounding context. Agree that this is a balancing exercise in accordance with national guidance.

## **Burbage Parish Council –**

### October 2022 (Response to original application)

*“Thank you for consulting Burbage Parish Council on application 22/0048/FUL Land north and south of Lychgate Lane Aston Flamville – Solar farm, infrastructure and ancillary works.*

*Burbage Parish Council wishes to make the following representation:*

*Burbage Parish Council recognises the need to reduce reliance on fossil fuels and welcomes green energy initiatives such as this. However, it objects to this application as follows:*

- The development would be contrary to Burbage Neighbourhood Plan Policy 11 (e) & (f) as the application site falls in and adjacent to an identified area of landscape sensitivity.*
- It would have a negative impact on the network of rights of way over the land and adversely alter the natural character of the site.*
- If the Local Planning Authority is minded to permit the development, Burbage Parish Council would request that consideration be given to the protection and sensitive diversion of existing footpaths, in particular the Leicestershire Round.*
- All hedges, trees, grassland margins and ditches should be retained and protected, and the height of the hedge on the site boundary should be maintained for screening purposes.*
- Burbage Parish Council would like to see the continuation of grazing on the land beneath the solar panels.*
- At the end of the life of the installation, the land should be restored in keeping with the character of the wider landscape.*

### October 2023 (Revised application)

*“Burbage Parish Council recognises the need to reduce reliance on fossil fuels and welcomes green energy initiatives such as this. However, it objects to this application as follows:*

- The development would be contrary to Burbage Neighbourhood Plan Policy 11 (e) & (f) as the application site falls in and adjacent to an identified area of landscape sensitivity.*
- It would have a negative impact on the network of rights of way over the land and adversely alter the natural character of the site.*

- *If the Local Planning Authority is minded to permit the development, Burbage Parish Council would request that consideration be given to the protection and sensitive diversion of existing footpaths, in particular the Leicestershire Round.*
- *All hedges, trees, grassland margins and ditches should be retained and protected, and the height of the hedge on the site boundary should be maintained for screening purposes.*
- *Burbage Parish Council would like to see the continuation of grazing on the land beneath the solar panels.*
- *At the end of the life of the installation, the land should be restored in keeping with the character of the wider landscape.”*

January 2024 (Revised application – final consultation)

*“At a meeting of Burbage Parish Council’s Planning Committee held yesterday evening, 15<sup>th</sup> January, Members discussed application 22/0048/FUL Land north & south of Lychgate Lane, Burbage and wish to make the following comments:*

*Burbage Parish Council notes that provision, including proposed signage, is to be made for the safety of vehicles during the scheduled construction period but that no provision appears to be made for the safety of pedestrians or other road users.*

*The area is a popular walking and horse-riding route and it is highly likely that pedestrians and riders and other road users could find themselves in conflict with construction traffic during the works.*

*Vehicles are parked outside St Peter’s Church, Aston Flamville, most days, causing passing vehicles to move across the carriageway, posing potential risk to traffic travelling in the opposite direction. Heavy construction traffic will exacerbate this situation.*

**Cadent Gas** – No objection. Request informative note is added to decision notice regarding presence of Cadent owned and operated gas infrastructure within the area.

**Civil Aviation Authority** – No comments received.

**Council for the Protection of Rural England** – No comments received.

**Environment Agency**

August 2022 (Response to original application)

Objects to the proposal – part of the site lies within Flood Zones 2 and 3 and a Flood Risk Assessment has not been submitted. Planning permission should be refused.

October 2022 (Revised application)

Objection withdrawn. Flood Risk Assessment addresses concerns and conditions recommended.

## **Health and Safety Executive**

August 2022 (Response to original application) and October 2022 (Revised application)

Has no comments to make on the proposals.

**Hinckley and Bosworth Borough Council** – No comments received.

**Hinckley and Bosworth Borough Council, Conservation Officer** (*comments reported on HBBC application 22/00739/FUL (giving consideration to impact of development within Blaby District upon Burbage Conservation Area and listed buildings in HBBC)* -

Comments on proposal - No known historical or functional connection between the application site and the Burbage heritage assets. Despite mitigation measures there may still be some intervening views of the norther most field of the western section and the proposed panels as a result of the weaker field boundaries in this location. The introduction of panels on the site would alter rural context of views from the public footpath back towards the Burbage heritage assets, reducing the minor appreciation of the significance of these heritage assets and result in some loss of the wider setting of the assets. There are considered to be low levels of less than substantial harm caused to the significance of the Burbage Conservation Area and the Grade II\* listed building of the Church of St Catherine. Eastern parcel does not detract from asset group. The harm should be weighed against the public benefits of the proposal, noting the great weight that should be given to the conservation of heritage assets.

## **Historic England**

August 2022 (Response to original application) and October 2022 (Revised application)

No comments to make on proposals.

**Leicestershire County Council, Archaeology** – Comments made:

August 2022 (Response to original application)

Advise that an Archaeological Impact Assessment of the proposals is required incorporating a desk based assessment and a field evaluation.

November 2022 (Revised application)

Advise that further pre-determination archaeological assessment required in the form of a field evaluation.

October 2023 (Revised application)

Geophysical survey is welcomed but results of the work are largely inconclusive. Advise that field walking and trial trenching should be completed to provide a better

understanding of site's prehistoric potential and significance and to test any anomalies, in addition to any geophysically 'blank' areas.

March 2024 (Revised application detailing 'no-dig' areas and construction methods)

Comments awaited.

**Leicestershire County Council, Ecology – Comments made.**

September 2022 (Response to original application)

Land is in arable in use and in principle no concerns about development as a solar farm. Ecology surveys and biodiversity net-gain report are needed prior to determination.

November 2022 (Revised application)

The majority of the site consists of arable fields and therefore mostly low ecological value. Proposals include removal of approximately 20m of hedgerow which is a potential Local Wildlife Site (pLWS) and loss of skylark breeding habitat. Report makes suitable recommendation to minimise impact of losses and other features of interest retained within the proposals.

Biodiversity Net Gain Assessment is suitable and proposed habitat creation is realistic and achievable. Recommend conditions regarding implementation of mitigation measures and requirement for a Landscape and Ecological Management Plan (LEMP) covering minimum of 30 years to be submitted.

October 2023 (Revised application)

Amended planting plans appear acceptable but note that meadows mixture should be cut once annually as stated within the text. This should be outlined in submitted LEMP as required by recommended condition.

**Leicestershire County Council, Forestry**

August 2022 (Response to original application)

Recommend that an Arboricultural Impact Assessment and Method Statement are submitted.

November 2022 (Revised application)

Arboricultural Impact Assessment (AIA) confirms no individual trees require removal and only a small section of hedgerow (H16) requires removal for access purposes. No objections providing protection methodologies in the AIA and in accordance with Tree Protection Plan are implemented in full. Planting mix of native species is acceptable and appropriate protection methodology proposed.

October 2023 (Revised application)

Please to see that revised landscape strategy includes a greater proportion of new tree planting to screen the site from the village. Landscape management plan should be provided.

**Leicestershire County Council, Highways** – Comments made.

August 2022 (Response to original application)

Application does not full assess the highway impact of the proposed development. Further information required to assess highway impacts and further information is required.

November 2022 (Revised application)

Application does not full assess the highway impact of the proposed development. Further information required to assess highway impacts and further information is required in respect of speed surveys; clarification regarding visibility splays; Stage 1 Road Safety Audit (RSA) and Designers Response for both accesses; clarification re access to parcel B during operational phase; up to date Personal Injury Collision (PIC) data; clarification of HGV movements; further information on traffic management through Aston Flamville; and HGV tracking.

November 2023 (Revised application)

Application does not full assess the highway impact of the proposed development. Further information required to assess highway impacts and further information is required in respect of visibility at Parcel A access; clarification re access to parcel B during operational phase; further information on traffic management through Aston Flamville; and HGV tracking.

January 2024 (Revised application with updated Construction Traffic Management Plan (CTMP))

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. Conditions recommended (i) updated CTMP to be submitted (ii) implementation of access improvements (iii) provision of visibility splays, hard surfacing of access and (iv) highway dilapidation survey.

**Leicestershire County Council, Historic Buildings Officer**

November 2022 (Revised application)

Agree that proposal will cause less than substantial harm to the significance of nearby designated heritage assets. Balancing exercise as set out in National Planning Policy Framework (NPPF) is engaged requiring judgement on whether demonstrable public benefits outweigh the harm to significance. The actual level of harm within the less

than substantial spectrum may be influenced by mitigation measures. Could same benefits be achieved elsewhere without causing harm to the historic environment.

**Leicestershire County Council, Lead Local Flood Authority –**

August 2022 (Response to original application)

Flood Risk Assessment needs to be provided which should also include a drainage strategy.

October 2022 (Revised application)

Recommend conditions requiring surface water drainage system details. Flood Risk Assessment show site is located within Flood Zone 1 and at low risk of fluvial flooding and low to high risk of surface water flooding. Proposal seeks to replicate the greenfield scenario and a positively drained drainage strategy is not required.

**Ministry of Defence** – No comments received.

**National Air Traffic Services (NATS Holdings)** – No comments received.

**National Grid** – No comments received.

**Natural England** – Based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Rambler’s Association** – No comments received.

**Sharnford Parish Council**

August 2022 (Response to original application)

*“To ensure the water course is managed due to added surface water run-off and a detailed Flood Risk Assessment in accordance with NPPF is carried out.*

*Also, the Soar Brook bridge on Aston Lane is prone to flooding and the added surface water run-off could have major effect on this.”*

November 2022 (Revised application)

*“To ensure the infrastructure is in place regarding construction vehicles, as the area is not a direct route from major roads, causing traffic congestion and road closures.*

*Also that key observations and advice from the Lead Local Flood Authority (LLFA) is adhered to and carried out.”*

### October 2023 (Revised application)

*“Further comments to the ones sent on the 1st November 2022 from Sharnford Parish Council.*

*Construction traffic - The area isn't equipped for large construction vehicles. Current vehicles have to stop and let another vehicle through due to the width of the lane. How will this be managed especially with large construction vehicles.*

*Noise pollution - Will the panels/station generate noise? This could be detrimental to residents in the area.*

*Also, the issue of drainage, that the water course is managed due to added surface water run-off, as the Soar Brook bridge on Aston Lane is prone to flooding and the added water could have a major effect on this.”*

### January 2024 (Revised application – final consultation)

No comments received.

### **Third Party Representations**

Consultation was carried out on the original application in August 2022. Four representations were received neither supporting nor objecting to the proposals; 5 representations were made objecting to the proposals, with 2 representations submitted supporting the proposals.

Further consultation was undertaken in October 2022 following the receipt of supporting technical reports. One representation was received neither supporting nor objecting to the proposals and 2 representations were made objecting to the proposals.

No representations were received in response to the consultation carried out in October 2023 following the receipt of further technical reports (transport, construction management and geophysical survey).

Site notices were displayed at the site and notice of the application published in the Leicester Mercury in August 2022.

### Comments (neutral) raised the following issues:

- Lack of detail on planting and landscaping plans.
- Will cable route from Lychgate Lane be used as an access track?
- All rights of way should be maintained.
- Hedges, trees and suitable grassland margins should be maintained and ditches improved for drainage and wildlife value.
- Archaeological trial investigation needed as land may have been site of a medieval village linking Burbage with Aston Flamville. Medieval link road still in existence in Burbage off Aston Lane.
- Broadly in favour; if we move away from fossil fuels then local, renewable generation seems to be sensible approach.
- Concern that placing development on farm land when there is Magna Park

down the A5 which has huge expanse of roofs that could be covered by solar panels.

- No direct benefits to local residents – reduced energy costs help persuade people that localised generation is something we can all benefit from.
- Brownfield sites would be preferable and technology would not require major grounds works.
- Solar farm would appear alien and unattractive and would not protect rural character and appearance of countryside.
- Photovoltaic needs sunlight to work and we do not have that much in the UK.
- Farm land is needed to deal with flash flooding
- Wind and solar generation are unpredictable and when no longer commercially viable we will be left with countryside that looks like a scrap yard.

Objections raised the following issues:

- Not environmentally positive to implement solar farms at the expense of woodlands and forests.
- Solar panels should be fitted to new and existing warehouses and houses.
- Object to unnecessary use of agricultural land – need farmland even more now.
- With HNFRI and land west of Stoney Stanton SDA this area is taking the brunt of needless development.
- Where is environmental policy for solar farms?
- Contributing to loss of our birds and wildlife.
- Wrong to put Britain's food security at risk
- Members of the planning committee should read pre-application advice letter 18/1480/PREAPP from Blaby District Council included in application by Elgin Energy which raises issues that Elgin Energy have not answered.
- Will impact on character, ecology and appearance of the surrounding area of Aston Flamville Conservation Area.
- Imperative that all landscaping, tree and hedge screening is therefore fit for purpose to reduce visual impact of the scheme, in particular on northern elevation.
- Often flooded areas within fields. Would this work add to that issue?
- Retaining hedges will not shield much as we look down over the fields on Lychgate Lane.
- Why is existing access into parcel B unsuitable – access is used by all sizes of agricultural tractors and implements.
- New entrance will be constructed on narrow stretch of Lychgate Lane requiring removal of hedges and trees and importation of rock and hardcore material to construct roadway to gain access to the site. Ulterior motive to increase the size of the solar farm?
- HGV movements will cause mayhem in the village and grass verges will be damaged as no official passing places.
- No details of car parking for construction staff
- Why does cable route need to go all the way down Lychgate Lane when it could run alongside M69.
- What size trees are going to be planted and at what spacing and density?
- Hedges and trees should be retained and protected.
- Land under panels should be utilised, e.g. for wild flower meadow, grazing.

- Need sufficient clearance under panels for safe passage of people, animals and machinery to manage land.

Supporting comments raised the following issues:

- Need to generate our own power in our own country.
- We must be willing to accept renewables development in our area. There is no realistic alternative.

**Relevant Planning History**

22/03/EIASCR – Environmental Impact Assessment (EIA) Screening Opinion for a proposed 20MW solar farm and associated equipment and infrastructure – determined that EIA not required 16.09.2022.

**EXPLANATORY NOTE**

**The Site and Surroundings**

The application site comprises two discrete parcels of farmland which, combined, cover an area of 41.75ha located in designated countryside, broadly between Aston Flamville and Burbage (within Hinckley and Bosworth Borough Council (HBBC) area).

The parcel to the north of Lychgate Lane and west of the M69 corridor and Aston Flamville has an area of approximately 13ha and is referred to hereafter as 'PARCEL A'. The parcel of land to the south of Lychgate Lane and Aston Flamville comprises approximately 26.4ha and is referred to hereafter as 'PARCEL B'. The remainder of the site is made up of access tracks and the proposed cable route along Lychgate Lane.

The site straddles Blaby District Council and Hinckley and Bosworth Borough Council administrative areas. The majority of the site is within Blaby District with approximately 5.6ha being located within Hinckley and Bosworth Borough. There are two separate parcels within HBBC area; the first rectangular field of Parcel A immediately to the north of Lychgate Lane and a small, irregular-shaped field adjacent to the southern boundary of Parcel B.

Parcel A is comprised of three field parcels (two of which are in Blaby District) which slope gently down from south to north. The field parcels are in agricultural use and are contained by a network of mature hedgerows in varying condition and scattered trees. Power lines cross the parcel roughly on a north south axis with a pylon being located in the central field. Crossing Parcel A on a west-east orientation is the Leicestershire Round long distance path and Public Rights of Way V30/8 and U63/3. Access is obtained from Lychgate Lane.

Parcel B comprises five field parcels of varying sizes and shapes currently accessed from a track close to the M69 off Lychgate Lane. The fields are also in agricultural use with boundaries marked by a network of mature hedgerows and scattered trees, line tree belts and linear woodland. The north-western section of Parcel B is situated on higher land with levels falling south-eastwards towards land associated tributaries of

the Soar Brook and River Soar. The eastern most sections of Parcel B are located within Flood Zones 2 and 3 as indicated on the GOV.uk Flood Map for Planning.

The site sits within an agricultural and gently rolling landscape which is framed by the settlement edge of Burbage to the west, Aston Flamville to the north, landform associated with Mickle Hill to the east and to the south by the rising landform at Smockington. Both Aston Flamville and Burbage form part of designated Conservation Areas and also contain a number of Listed Buildings. Between settlements the wider landscape comprises medium to large regular fields surrounded by mature hedgerows, linear tree belts and mature trees. There are scattered residential properties and small clusters of farms. The area is also strongly influenced by the M69 corridor which dissects the site as well as a number of B roads which cross the landscape connecting settlements.

### **The Proposal**

This planning application seeks full planning consent for ground mounted photovoltaic arrays (a 'solar farm') together with ancillary infrastructure and landscaping on the application site: The solar farm will have an export capacity of approximately 20MW of renewable energy at peak operation and permission is sought for a temporary 40 year period. It is estimated that the solar farm could power approximately 5,500 homes for a year while saving approximately 4,800 tonnes of carbon annually, assuming average annual consumption of 3,600kWh of electricity per home.

At the end of the operational lifespan of the proposed development all equipment, underground connections and all associated development and materials would be removed. The site would be restored to its current state and current use, which is agriculture.

The solar farm comprises:

- Photovoltaic modules on a simple metal framework ('frame') either pile driven into the ground or surface mounted, avoiding the need for substantive foundations. The frame at its lowest point would be 0.8m above ground level and at its highest point between 2.4m to 3.2m above ground level (ground level would be unaltered). Each photovoltaic panel within the frame will measure 2.2m (L) x 1.1m (W) x 0.05 (D). Panels would be angled at up to 25 degrees and face southwards. The spacing between the rows would vary from 2m to 8m dependent on the slope of the site in the locality to avoid overshadowing and to allow maintenance of the panels and ground around them. The land around the panels will be maintained as grassland.
- Gravel access roads (minimum of 2.5m in width) connecting inverter/transformer units;
- Timber post and wire security fencing (deer fencing) along the inside of hedgerows (height 2.4m) or surface mounted fencing with a buffer gap of between 5m and 15m from vegetation;

- CCTV cameras located around periphery of site, facing inwards on circa 3m high columns;
- Inverters /Transformers (circa 16) will be situated across the site and will be contained within glass reinforced plastic (GRP) enclosures measuring approximately 7m (L) x 2.5m(W) x 3m(H);
- A Distribution Network Operator (DNO) substation (approximately 6m(L) x 3.8m (W) x 3.7m (H)) would be located in the north eastern corner of Parcel B to facilitate connection to the existing electricity infrastructure. The substation will be mounted on a gravel base with concrete pad above. Connection to the electricity distribution network offsite will be progressed by the Distribution Network Operator (DNO) under a separate grid connection application for consent under Section 37 of the Electricity Act (1989) and is outside the scope of this application. At present, it is intended that the solar farm will connect directly to the grid via an existing 33kV tower located in the south of Parcel B.
- Associated storage container and communication and monitoring equipment, weather stations and communications cabinet.

In terms of landscaping of the site, the layout of the development has been designed to ensure that there would be minimal works to or loss of the existing trees and hedgerows within the site. New wildflower meadow planting is to be undertaken within the eastern part of Parcel B. Additional tree and hedgerow planting are proposed by the applicants to minimise the impact on the landscape character, improve biodiversity of the site and further filter views.

Parcel A will utilise the existing access from Lychgate Lane for both construction and on-going operational purposes. A newly created access (gravel track) will be created to serve Parcel B during both construction and operational periods from Lychgate Lane running circa 300m north to south alongside an established tree belt and hedgerow. The applicant has indicated that the preferred construction traffic route to the site from the strategic road network (M69, A5) will be via B4114 through Sharnford, Aston Lane, Sharnford Road and then Lychgate Lane.

The construction phase of the solar farm is expected to take place over approximately 16 weeks. To minimise disruption, construction and subsequent de-commissioning would be carried out in accordance with a construction management plan. Visits to the site during the operational phase of the development would be infrequent and limited to one to two visits per month.

### **Supporting Documents**

As noted above in the planning history section of the site, the District Planning Authority has issued a screening opinion (reference 22/03/EIASCOR) determining that the proposed development does not require Environmental Impact Assessment.

The application is accompanied by the following supporting documents:

- Agricultural Land Classification Report – Soil Environment Services Ltd
- Arboricultural Survey Report and Impact Assessment –
- Archaeological Desk Based Assessment
- Archaeological Geophysical Survey
- Archaeological Investigation and Design Strategy
- Biodiversity Net Gain Assessment Report and Metric 3.1 – BSG Ecology
- Construction Traffic Management Plan
- Design and Access Statement - Stantec
- Flood Risk Assessment and Drainage Strategy – RPS Consulting Services Ltd
- Geophysical Survey Report – Magnitude Surveys
- Glint and Glare Assessment
- Historic Environment Desk Based Assessment – Cotswold Archaeology
- Landscape and Visual Impact Assessment – Stantec
- Noise Impact Assessment
- Planning Statement - Stantec
- Preliminary Ecological Appraisal
- Statement of Community Involvement – Stantec
- Transport Statement and Highways Technical Note

### **EXPLANATORY NOTE:**

#### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. In this case the Development Plan comprises the Blaby District Local Plan (Core Strategy) Development Plan Document 2013, the Blaby Local Plan (Delivery) Development Plan Document 2019 and the Fosse Villages Neighbourhood Plan 2021.

The section below provides brief assessment of the proposed development against the relevant development plan policies.

#### **DEVELOPMENT PLAN**

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

### Policy CS14 – Green Infrastructure

Policy CS14 notes that Green Infrastructure can include areas that are valuable for their biodiversity (flora and fauna network links), areas that are of cultural importance and areas that maintain natural and ecological processes, *inter alia*. The Council will seek to improve and enhance the Green Infrastructure network throughout the District. Opportunities to incorporate key landscape features such as woodlands, pond, rivers and streams and the local topography should be used to create high quality design incorporating a wide range of high quality, functional and use open spaces and links.

### Policy CS18 Countryside

Policy CS18 states that within areas designated as countryside planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.

Consideration has been given to the justification for the countryside location and the impact of this development on the appearance and character of the landscape (this matter is explored in more depth later in this report) and it is concluded that the development would not give rise to significant adverse effects, subject to the implementation of the proposed landscaping strategy. It is therefore considered that the proposed development is consistent with policy CS18.

### Policy CS19 Biodiversity and Geo-diversity

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. The development site has been assessed for its habitat and species quality and it is not considered that the proposal will significantly impact on the biodiversity and geo-diversity. The application has demonstrated bio-diversity net gain in accordance with the DEFRA Metric 3.1 and landscaping and biodiversity enhancement measures are outlined on the accompanying Landscape Strategy Plan.

The County Ecologist has not raised any objections to this proposal, subject to conditions to secure landscaping implementation and submission of a detailed Landscape and Ecological Management Plan (LEMP) to cover the on-going ecological management of the site for the lifetime of the solar farm. The proposal is thus compliant with Policy CS19.

### Policy CS20 Historic Environment and Culture

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

In accordance with paragraph 205 of the NPPF, 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. Compliance with Policy CS20 will

therefore be significant and should be given considerable weight in the planning balance. There are also statutory requirements under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting, and to preserving or enhancing the character or appearance of a conservation area respectively.

Having recognised the level of importance attributed to the preservation of heritage assets, a judgement should then be made as to the impact of development on the significance of designated heritage assets. Any harmful impacts need to be weighed against the public benefits of the proposal (paragraphs 207 and 208 of the NPPF).

The application site is not located within a conservation area and does not contain any listed buildings. However, the solar arrays to be sited on Parcel B lie approximately 350m to the south of the designated Aston Flamville Conservation Area and 600m to the nearest listed building. At its nearest point on Parcel A (Blaby District Council's area) the development will be circa 930m from the designated Burbage Conservation Area and approximately 970m from the closest listed building. The site also has potential for archaeological remains.

The County Archaeologist has advised that archaeological matters can be satisfactorily dealt with via 'no-dig' construction methods and conditions requiring field evaluation. The Council's Historic Buildings Advisor has been consulted and has identified that the development would result in less than substantial harm to the designated heritage assets. There would therefore be an element of conflict with Policy CS20 and this conflict will need to be balanced against other material considerations, taking into account the great weight that needs to be attributed to an asset's conservation.

### Policy CS21 Climate Change

Policy CS21 acknowledges that climate change is one of the greatest long-term challenges facing human development. Blaby District Council is committed to tackling climate change.

Policy CS21 states the following in respect of renewable energies:

*“Development which mitigates and adapts to Climate Change will be supported. The Council will contribute to achieving national targets to reduce greenhouse gas emissions by (inter alia):*

*c) encouraging the use of renewable, low carbon and decentralised energy at the commercial, community and domestic scale. Renewable and low carbon energy generation will be supported within the District where the proposal:*

- i) ensures that the siting and scale of development avoids harm to the significance of designated heritage assets and nationally important archaeological remains or their setting.*
- ii) ensures that the impact of the development on local landscape character and historic landscape character is minimised.*

- iii) *ensures that the proposal does not result in significant detriment to residential amenity for new or existing residents.*
- iv) *includes measures to mitigate any adverse impacts on the built and natural environment resulting from the construction, operation and decommissioning of any development.*
- v) *does not create an overbearing cumulative noise or visual impact, when considered in conjunction with similar developments and permitted proposals in the area.”*

Policy CS21 clearly supports proposals for renewable energy such as this application, subject to safeguards and assessment and does not differentiate between countryside and non-countryside locations.

#### Policy CS22 Flood Risk Management

Policy CS22 seeks to ensure that development is directed to locations at the lowest risk of flooding, giving priority to Flood Zone 1. The use of Sustainable Drainage Systems to ensure that flood risk is not increased on site or elsewhere is also encouraged in new developments.

The majority of both Parcels A and B lie within Flood Zone 1, however, land within the eastern part of Parcel B is identified as lying within Flood Zones 2 and 3 for fluvial flooding (annual probability of fluvial flooding is greater than 1 in 100). Surface water flood risk ranges from very low to high risk across both parcels, generally increasing on land associated with watercourses on or adjacent to the site. The PPG characterises solar farms as *Essential infrastructure* and can be located within Flood Zone 3 (subject to passing the Exception Test). In this case, however, the actual solar panel installations and associated infrastructure would be entirely located in Flood Zone 1. An appropriate Flood Risk Assessment and Drainage Strategy supports the application and the Environment Agency and Lead Local Flood Authority (LLFA) have raised no objections to the proposed development subject to conditions. It is therefore deemed that the proposal complies with Policy CS22.

#### Policy CS24 Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that plans and decision making should apply a presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals the District Council will take a positive approach and will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible. The Council has worked with the applicant to make revisions to the proposals to render the scheme acceptable. It is considered that the proposal constitutes “sustainable development” and accordingly Policy CS24 is complied with.

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

#### Policy DM2 – Development in the Countryside

Policy DM2 supports the strategic policy approach set out in Core Strategy Policy CS18 and provides more detailed guidance on appropriate development in the

countryside. The policy does not explicitly refer to renewable energy projects but provides general criteria against which development proposals should be assessed. These require that the development is in keeping with the appearance and character of the existing landscape, development form and buildings, noting that the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment (criterion (a)). Development should also provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)).

#### Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG). The detailed highways impacts of the development are assessed later in this report. In summary, the proposed site access to Parcel B can provide appropriate visibility and the operational phase of the development will generate minimal trips to the site. With suitable mitigation measures in place during the construction and decommissioning phases of the development, no harmful impact upon the surrounding road network or highway safety can be demonstrated and thus there is no basis on which to resist the proposal on highways grounds.

#### Policy DM12 – Designated and Non-designated Heritage Assets

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

#### **Fosse Villages Neighbourhood Plan (FVNP) 2021**

The Fosse Villages Neighbourhood Plan was made in 2021 and forms part of the statutory Development Plan. Its policies should therefore be given the same weight as the policies in the Blaby Local Plan Core Strategy and Delivery DPDs.

#### Policy FV4 - Biodiversity

Policy FV4 supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines). to support biodiversity. The proposed development seeks to retain and enhance with new planting existing hedgerows and trees on the site. Biodiversity net gain has been demonstrated and as such the proposal is considered to comply with Policy FV4.

## Policy FV6 – Design

Policy FV6 requires that development reflects the distinctive and traditional character of the Fosse Villages. Development should be in keeping with the scale, form and character of its surroundings; protect locally significant features such as traditional walls, hedgerows and trees; not significantly adversely affect amenities of residents; promote sustainable design and construction and provide a safe and suitable access.

## Policy FV16 - Renewable Energy

Policy FV16 states that ground mounted solar photovoltaic farms will be supported where they are on previously developed or non-agricultural land (criterion (a)); where the location does not result in the proposals impacting on any heritage asset; and, where the proposal's impact has been fully assessed in accordance with the Landscape and Visual Impact Assessment set out in Planning Practice Guidance (5-013-20150327).

The policy is positively worded and whilst stating that that solar farms will be supported on previously development or non-agricultural land, the policy does not explicitly preclude their development in other locations, including on agricultural land. Paragraph 125 of the FVNP recognises that solar developments can cover large areas and are usually developed in rural areas.

## **OTHER MATERIAL PLANNING POLICY & GUIDANCE**

### **National Planning Policy Framework (NPPF) (December 2023)**

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

It also sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, including meeting the climate change challenge with the golden thread running through the decision-making process being the presumption in favour of sustainable development.

In decision-taking, paragraph 11 explains that this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

Chapter 14 (paragraphs 157 to 164) of the NPPF has specific relevance to the development proposals and deals with meeting the challenge of climate change.

**Planning Practice Guidance (PPG)** provides supporting guidance to the interpretation of the NPPF, including specific guidance relating to ground mounted solar farms at Paragraph 013 Reference ID: 5-013-20150327.

## **Burbage Conservation Area Appraisal**

### **PLANNING APPRAISAL**

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

The following are considered the key planning issues in the determination of the proposal:

- The principle of the development assessed against strategic Development Plan and national planning policies;
- Landscape and visual impacts;
- Impact on heritage assets;
  - *Built Heritage*
  - *Archaeology*
- Impact on agricultural land;
- Flood risk and drainage impacts;
- Ecology and biodiversity impacts;
- Impact upon residential amenities; and
- Highway Impacts

### **The principle of the development assessed against strategic Development Plan and national planning policies**

Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making.

Paragraph 11 of the NPPF and Policy CS24 set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

The application site is wholly located in designated countryside which should be recognised for its intrinsic character and beauty (paragraph 180 of the NPPF). Policy CS18 states that planning permission will not be granted for built development, or

other development which would have a significantly adverse effect on the appearance or character of the landscape. Policy CS18 does not explicitly support or exclude renewable energy projects within its designation. Essential to the appropriateness of scheme's countryside location will therefore be its resulting landscape and visual impact.

The Development Plan does not allocate specific locations for commercial scale renewable energy development due to limited opportunities within the District. The explanatory text to the policy states that all renewable and low carbon energy proposals will therefore be assessed against Policy CS21. Policy CS21 is broadly supportive of renewable energy schemes and this policy does not differentiate between urban and rural locations for its support.

Furthermore, the NPPF is supportive of renewable energy schemes. At paragraph 157, the NPPF states:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

At paragraph 163, the NPPF goes on further to state:

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

*c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.”*

Whilst not a requirement of policy CS21 or national policy to demonstrate the need for the development and/or evidence for site selection, the applicant has provided supporting information that places the proposed solar farm development in the context of the overall national picture relating to climate change and carbon reduction.

The submitted Planning Statement (PS) references the Energy White Paper 2020 which supports the expansion of low-cost renewables technologies in supporting the decarbonisation of energy in the UK. Specifically, the White Paper is clear that “a low-

*cost, net zero consistent system is likely to be composed predominantly of wind and solar” and that “Onshore wind and solar will be the key building blocks of the future generation mix, along with offshore wind.”* The PS highlights the Net Zero Strategy (October 2021) which sets out the government’s proposals for meeting its net zero by 2050 and the commitment to fully decarbonising the country’s power system by 2035.

The government has subsequently repeated its commitment to decarbonising and improving energy security through proposals to accelerate the deployment of domestic sources of energy. One of its aims is to achieve a fivefold increase in solar power by 2035 (from a capacity of 14GW to 70GW) (*British Energy Security Strategy* (April 2022) and *Powering Up Britain* (March 2023)).

The recent National Policy Statement EN1 – Overarching National Policy Statement for Energy (January 2024) can be a material consideration in decision making on applications that both exceed or are under the thresholds for nationally significant projects. NPS EN-1 highlights at paragraph 2.3.3 that achieving net zero and providing a secure, reliable and affordable supply of energy will require a step change in the decarbonisation of the country’s energy system. Paragraph 2.3.4 states *“Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport primary fuels and energy carriers into and around the country.”*

NPS EN-1 also outlines at paragraph 3.3.20 that *“Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.”*

The increased delivery of renewable energy, including solar farms, also aligns with Blaby District Council’s Climate Change Strategy 2020-2030, which includes its aspiration for the District to be carbon neutral by 2050.

Policy FV16 Renewable Energy states as criterion (a) that solar farms will be supported where they are on previously developed or non-agricultural land. This aligns with guidance on large scale solar farms set out in the PPG. Whilst the use of previously developed and non-agricultural land is encouraged, the policy does not explicitly preclude support for development on agricultural land. Indeed, the policy includes other criteria to be considered to address the likely impacts of such developments in rural areas. These relate to visual impact, heritage impact and decommissioning.

In respect of site selection, the applicant, Elgin Energy, has outlined that the process of finding a suitable point of contact into the grid network is a key determinant of whether a site may be viable for solar. In this case, a viable grid connection point is provided on the site in the form of an existing 33kV tower in Parcel B and a direct connection to the grid is proposed. The applicant prioritises sites that are in proximity to existing grid infrastructure and where there is a willing landowner to support delivery of the project. Furthermore, in completing the site selection process, the applicant

also seeks to avoid areas protected by statutory designations. In this case, the site satisfies these key matters and provide a basis for the site being suitable for solar development.

On balance, the policies of the Development Plan give support in favour of renewable energy proposals in countryside locations where their impacts are (or can be made) acceptable. Such proposals also support the Council's commitment for the district to be carbon neutral. The principle of the proposed development is therefore considered to be acceptable when assessed against strategic Development Plan policies, subject to other material considerations being appropriately assessed.

### **Landscape and Visual Impact**

The application site is situated in a rural location where there is clearly the potential for a large-scale solar farm to have an adverse impact upon the character and appearance of the surrounding countryside. Policy CS18 Countryside deals with landscape impact and states that planning permission will not be granted for development which would have a significant adverse impact upon the landscape.

Criterion C(ii) of Policy CS21 Climate Change also requires that impact of the development on local landscape character and historic landscape character is minimised.

Policy CS2 Design sets out that development proposals should be appropriate in their context and should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings.

Policy DM2 provides criteria against which development proposals should be assessed. Criterion (a) requires that development is in keeping with the appearance and character of the existing landscape, development form and buildings. Decisions in respect of impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation study, National Character Areas and any subsequent pieces of evidence.

The NPPF is also clear that the natural environment should be enhanced by protecting and enhancing valued landscapes. The NPPF also makes it clear that the adverse impacts of renewable and low carbon energy projects must be satisfactorily addressed, including cumulative landscape and visual impacts.

The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty. It would also not qualify as a "valued" landscape as this is set out in paragraph 174 of the NPPF. There are, however, designated Conservation Areas (Aston Flamville and Burbage) within the site's surrounds and numerous statutorily listed buildings.

### Existing character

In terms of its character, the application site occupies circa 41.75ha of land, in two distinct parcels of land, separated by the M69. Both parcels A and B are in agricultural use with boundaries lined by a network of mature hedgerows and scattered trees, linear tree belts and woodland blocks. Hedgerows along the field boundaries are largely intact but contain gaps and are of variable condition and are managed to a height of around 2m. In addition, the northeastern boundary of Parcel B is formed by a linear strip of broadleaved woodland.

Public rights of way (PROWs) run to the north of Parcel B (V30/6) and Parcel A is crossed on a west-east orientation by the Leicestershire Round long-distance path and PROWs V30/8 and U63/3. Parcel B is not publicly accessible.

The site is gently undulating falling from a high point of approximately 105m AOD in the southern section of Parcel A to approximately 95m AOD in the north of this parcel. Parcel B falls southeastwards to approximately 95 AOD. Aston Flamville is located on a broad dome of gently rising land (110 AOD) approximately 350m to the north of Parcel B, which allows expansive views across the wider landscape from the Conservation Area.

Parcel A is heavily influenced by human elements including the M69, which although screened from the site by linear woodland to the west of the motorway, results in traffic noise and visible vehicle movements. The parcel is also affected by the presence of pylons both on the site and in the wider landscape. The character of Parcel B by contrast is of more open character with wider ranging views across the site.

The landscape surrounding the application site parcels is characterised by gently undulating landform, with medium to large scale fields and small clusters of farms and dwellings. Networks of hedgerows, hedgerow trees, tree and belts and small blocks of woodlands help define the wider agricultural landscape. In respect of topography, the south and east of the area is more low lying, associated with the alignment of watercourses and their tributaries. Settlements including Burbage, Sharnford, Stoney Stanton and Aston Flamville frame the rural landscape between. Transport infrastructure, including the M69 and A5 are notable features within the wider surrounds of the site.

To support the planning application proposals, the applicants have submitted a Landscape and Visual Impact Assessment (LVIA) of the development. This has been reviewed by the Council's instructed Landscape Architect to assess its robustness for consideration of the proposals.

### Landscape Mitigation Strategy

The impacts outlined below are also based on the implementation of a landscape mitigation strategy as outlined on the submitted Landscape Strategy Plan. Amendments have been sought during the course of the application to strengthen the proposed planting, notably along the northern edge of Parcel B in order to provide better screening from Aston Flamville. The landscape strategy includes;

- Provision of mixed native species tree belts at 10m depth to boundaries along the north western corner of Parcel A and along the northern edge of the Parcel B, to extend and reinforce the wooded character to the south of Aston Flamville and further contain the site;
- A comprehensive hedgerow improvement strategy including reinforcement of existing treed hedgerows with the replacement of dead, dying and dangerous trees, plus the replanting of remnant or 'gappy' field boundaries with an appropriate species-rich native planting palette. Existing and proposed hedgerow planting will assist in visually breaking up the proposed development and will enhance the habitat value and connectivity on the site. Hedgerows to be managed to a height of 2.5m – 3m.
- Creation of species-rich wildflower grassland at field margins, grassland underneath solar panels and the creation of wet meadow planting within the extent of the flood zone in the east of the eastern parcel.
- Provision of minimum 5m offsets from the PROW within the Site to proposed fencing, with panels set back from the fencing to assist in retaining the openness of views experienced from this route;
- Retention of the existing individual 'parkland' mature tree within the eastern field of Parcel B.
- Retention and enhancement of the existing pond with supplementary planting.
- Creation of opportunities for drainage ditch/watercourse enhancement through 5m offsets and management regime to encourage natural regeneration.

### Impact on landscape

The areas of the site within Blaby District lie within the Aston Flamville Wooded Farmland Landscape Character Area (LCA) as identified in the Blaby Landscape Character Assessment (2020). The key characteristics of the character area include;

- Varying landform with high points intersected by broad valleys;
- Fields enclosed by native hedgerows, which are often mature and fairly scrubby;
- Copses and blocks of woodland, which tend to reflect the field pattern;
- Aston Flamville, which retains its historic form.
- Varied views according to landform and vegetation cover.
- Much of the LCA retains a traditional rural character. The presence of pylon routes is a detracting feature and noise and movement of traffic associated with the M69 impacts on the tranquillity and rural perceptual qualities of the LCA.

It is considered that the site is representative of the landscape character described in the character assessment and exhibits the varied landform, hedgerow boundaries and influence from the M69.

The southern most field within Parcel A and the field within the southwestern section of Parcel B (HBBC administrative area) lie within the Burbage Common Rolling Farmland LCA as described in the Hinckley and Bosworth Landscape Character Assessment.

Within the submitted LVIA, the Aston Flamville Wooded Farmland LCA is assessed as having a medium sensitivity to the development being proposed. The Council's landscape advisor concurs with this assessment.

In respect of landscape features, the effects of the development will be limited by the proposal's retention of existing trees, hedgerows (with the exception of where access tracks are to be created) and by providing buffers to watercourses. The most noticeable change to the site and its surroundings will be in the temporary change in the character of the site as a result of the new land use, with areas of agricultural land converted for use as a solar farm with associated panels and infrastructure. This will result in the loss of perceived openness across the site and a minor-moderate adverse effect at year 1, reducing to minor adverse effects by year 15 as new native planting results in localised benefits.

In respect of the character of the site and its immediate vicinity, the introduction of solar panels onto Parcel B in particular will result in an increased perception of man-made infrastructure on the site with a minor adverse effect at year 1. At year 15 the LVIA reports that the proposed mitigation strategy will reduce these effects to negligible adverse. The Council's landscape advisor, however considers that whilst the landscape mitigation strategy will result in some localised positive effects, it is likely that the solar panels and associated infrastructure will still be perceptible from parts of Aston Flamville, resulting in a minor adverse effect at Year 15.

Considering the wider landscape character, the Council's landscape advisor agrees that the enclosed nature of Parcel A would mean that the development would have a negligible adverse impact on the Burbage Common Rolling Farmland LCA at Years 1 and 15.

The LVIA reports the overall effect on the Aston Flamville Wooded Farmland LCA to be minor adverse at both year 1 and year 15. Paragraph 8.13 of the LVIA notes that direct adverse effects will result from the introduction of solar panels, but that due to the location of the site and containment provided by existing vegetation, the effects will be localised and "*will be perceived in the context of the adjacent settlement edge of Burbage and the M69 road corridor*". The Council's instructed landscape architect considers that the proposed development will also be perceived from Aston Flamville, particularly in the short to medium term (years 1 - 15). The Blaby Landscape Character Assessment notes that the LCA has retained much of its traditional rural character. In this context, the Council's advisor considers the introduction of the solar development to have an overall moderate adverse effect.

### *Visual Effects*

The LVIA uses 18 viewpoints to inform the visual assessment which are considered to represent a range of potential visual receptors. These include views from settlements surrounding the development area; residential properties; users of local roads and the M69 motorway; and users of public rights of way and open access areas (Burbage cemetery).

The Council's landscape advisor has considered the findings of the LVIA's assessment of visual effects and broadly agrees with the sensitivity ratings, magnitude of impact and overall effect attributed to landscape receptors.

### *Public Rights of Way*

Understandably, the greatest level of change will be experienced by users of PROW footpaths U63/3, V30/8 and the Leicestershire Round long-distance footpath which cross the southern part of Parcel A. Users of the footpath will have open, close-range views of the proposed development. The deer fencing will be offset 5m on each side of the PROWs and the solar arrays approximately 7m beyond this. Whilst the development will be easily viewed, the PROWs will retain a degree of openness and views along the route will still be possible. The landscape mitigation strategy includes area of native scrub and improvement to hedgerows which will enhance the landscape of the site but will not mitigate the effects felt within the site by footpath users. The Council's landscape advisor agrees that there will be a minor adverse effect at both Year 1 and Year 15.

Beyond Parcel A's boundaries, users of the public footpath network to the west and east of the Parcel will experience both close-range and intermittent views towards the proposed development through gaps in existing vegetation. These views will be framed by existing vegetation and following establishment of the proposed landscaping strategy, these views are likely to remain. The level of effect is therefore agreed to be minor adverse at both Year 1 and Year 15.

To the east of the M69 corridor, views of the development by users of footpath U63 which runs to the north of and roughly parallel with Lychgate Lane into the Aston Flamville Conservation Area will only experience glimpsed views of the development with a neutral overall effect in Year 15 once planting has established.

Important views across the development of Parcel B are possible from users of the Leicestershire Round long-distance path and PROW V30/6 as it travels east-west in the vicinity of Lychgate Lane. Travelling along this route, open views of the development on Parcel B will be possible as a result of the elevated position of the path and topography of the surroundings. The proposed development will be visible, however, the offsets of both the fencing and solar arrays from the northern boundary, together with the sloping landform will retain the openness of views experienced in this location. The limited height of the development is such that visual connection with the wider rural countryside will be retained. In Year 1 the development will give rise to a noticeable change in views resulting in a moderate adverse effect. At year 15 the growth of vegetation including the tree belt planting along the northern boundary of Parcel B will assist in integrating the development into the landscape, with the significance of effect reducing to minor adverse. The Council's landscape advisor concurs with this assessment.

Users of the PROW network to the distant south-west of the site will have limited views of the site with partial distant and glimpsed views only. The views would be at considerable distance (over 2km) and only small sections of Parcel B will be apparent, seen in the context of adjacent large-scale warehouse built form, the settlement edge of Burbage and M69 corridor. There would be a negligible adverse effect on these

PROW users at both Year 1 and Year 15. The Council's landscape advisor agrees that the site is barely discernible in the far extents of the study area.

### *Roads*

Users travelling along Lychgate Lane will experience similar effects as the users of the Leicestershire Round long-distance path and footpath V30/6 noted above. Open views of the site are possible from the elevated position of Lychgate Lane and moderate adverse effects at Year 1 reducing to minor adverse effects in Year 15 are anticipated. The Council's landscape advisor agrees with this judgement.

To users travelling on Aston Lane towards the B4669 to the north of Parcel A, intermittent, open to filtered views of the development will be experienced from an elevated, middle distance range position, albeit transiently for a relatively short part of a longer route. These views would be experienced in the context of views of the wider landscape with residential built form also evident in the vicinity. With the implementation of the landscape strategy there are considered to be improvements in the appearance of the site. The Council's advisor agrees that the significance of effect will reduce from a minor adverse effect in Year 1 and a negligible-minor beneficial effect in Year 15.

From Lutterworth Road to the south of Parcel B, the proposed development would be barely discernible from the route, with some glimpses of the western section of Parcel B possible in the winter months and at a considerable distance from where Lutterworth Road crosses the M69. The significance of effect is considered neutral at both Years 1 and 15.

### *Residential Properties*

The application site is framed by the settlements of Burbage to the west and Aston Flamville to the south with scattered residential properties/farms to the south.

The submitted LVIA recognises that the prominent topographic location of Lychgate Lane, Aston Flamville allows for expansive views of Parcel B. It explains that residents of houses along Lychgate Lane, will have filtered to open views towards Parcel B where the proposed development will be seen, partially in the context of the M69 corridor. The arrangement of the solar panels on Parcel B incorporates buffers to hedgerows, tree belts and retention of existing field boundaries. These features will serve to break up the appearance of the solar arrays and offer screening to parts of the development. The level of effect will be moderate adverse, reducing to minor adverse through the growth of the landscape mitigation measures over time. The Council's landscape advisor concurs with these judgements. The Council's advisor also considers that similar effects will be experienced by properties on the edge of Burbage who will have some views across the western parcel.

### *Cumulative Impacts*

The LVIA does not include a cumulative assessment, however, officers and the Council's landscape advisor have considered other solar proposals/developments in

the surrounding area but do not consider that there are any nearby schemes that would warrant inclusion in a cumulative assessment.

### Landscape Impact and Visual Effects Summary

The proposed development of a solar farm on the site, albeit for a temporary period, will alter the site's character and its perception from the selected visual receptors, changing it from one characterised by fields and an agricultural landscape to a solar farm with associated transformers, fencing and infrastructure. Some harm is considered to result to the landscape as a result of the development which would, in the worst-case scenario, result in moderate adverse effects following the implementation of the landscaping strategy.

Similarly, harmful visual effects are also identified ranging from negligible adverse to moderate adverse. These harmful effects will be experienced predominantly by users of the PROW network adjacent to the site and in the surrounding area, though also by nearby residents and users of the local road network. Moderate adverse effects are limited to the near to middle distances, notably within the immediate setting of Parcel B. The development of this parcel would introduce substantial man-made features into the landscape which would be discernible in views south from Aston Flamville, however, there are few locations where the development would be discernible in the context of Aston Flamville looking north.

Notwithstanding, the identification of some harmful effects, the site is generally visually well-contained by existing vegetation and topography. A revised Landscaping Strategy Plan has been submitted by the applicants which provides a stronger landscape belt on the northern boundary of the Parcel B, to offer better screening of the development from Lychgate Lane. Together with on-going management and infilling of gaps within the existing vegetation on the site, the mitigation measures are considered appropriate and will reduce the impacts of the proposal. These measures can be appropriately secured by conditions, as set out in at the start of this report.

On balance, whilst there will some harm resulting from the development, this would not qualify as “*significantly adverse*” effects on the appearance or character of the landscape, which is the test set out in Policy CS18. Furthermore, it is considered that the development minimises the impact on landscape character, includes measures to mitigate adverse effects and would not result in overbearing cumulative impacts, as required by Policy CS21. Notwithstanding this, the development cannot be considered to be ‘*in keeping*’ with the appearance and character of the landscape as required by Policy DM2 given the harm identified. These matters will be given further consideration in the planning balance.

### **Impact on Heritage Assets**

Policy CS20 states that the Council takes a positive approach to the conservation of heritage assets and the wider historic environment. This will be done, *inter alia*, by considering proposals against the need to ensure protection and enhancement of the heritage asset and its setting.

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. In respect of non-designated assets a balanced consideration will be applied to proposals.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, although this statutory duty does not apply to the area's setting. These statutory duties need to be considered alongside the requirements of the Development Plan.

Section 16 of the National Planning Policy Framework (NPPF) is a material consideration and provides the national policy on conserving and enhancing the historic environment.

Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance. Paragraph 206 continues that any harm to the significance of a designated heritage asset should have clear and convincing justification.

NPPF paragraph 207 requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 208 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 209 of the NPPF also includes a requirement for the effects on the significance of non-designated assets to be taken into account. A balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.

To enable assessment against the requirements of the policies above, the application has been supported by a Heritage Assessment (HA), an Archaeological Desk-based Assessment, a Geophysical Survey and an Archaeological Mitigation Strategy.

### *Built Heritage*

There are no designated or non-designated heritage assets within the site itself, however it must be assessed if the site falls within the setting of heritage assets. The NPPF (Annex 2) defines the setting of a heritage asset as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

Historic England provide advice on the setting of heritage assets in their 'Good Practice in Planning Note 3: The Setting of Heritage Assets (2017)' (GPA3), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way an asset is experienced in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by an understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.

Historic England recommends undertaking a five-step approach to assessing change in the setting of heritage assets in GPA3. The first step is to identify which heritage assets and their settings are affected by the proposal. The submitted Heritage Assessment (HA) has identified several heritage assets within a 1.5km study area that have the potential to be affected by the proposed development. These include two Grade II\* listed building (The Old Grange and attached Stable Wing and St Catherine's Church, both in Burbage); numerous Grade II listed buildings in Aston Flamville and Burbage, as well as two cottages to the south of Parcel B; non-designated heritage assets within Aston Flamville and Burbage and to the south of Parcel B; as well as the designated Aston Flamville and Burbage Conservation Areas.:

#### *Impact on Aston Flamville Heritage Assets*

The Aston Flamville Conservation Area is centred around Lychgate Lane and the junction with Hinckley Road and Sharnford Road. The Conservation Area has a green and rural character incorporating elements of surrounding green space and mature planting and trees which creates an enclosed setting. St Peter's Church is a Grade II listed building and is a key focal point within the village. Other key listed buildings are the Grade II listed Manor House and Grade II listed Dovecote, both on Lychgate Lane. The listed buildings within the village hold individual significance but also form an important group defining the characteristics of the Conservation Area. Historically, there has been connections between the Aston Flamville heritage assets, notably the church, and the application site, this has largely been lost.

Parcel A is largely separated from Aston Flamville's Conservation Area, Listed Buildings and non-designated assets by the M69 corridor which creates a physical and visual barrier between the two. Whilst the solar development will alter the use and appearance of the field parcels, the physical and visual distance between the two is such that it is considered to result in no harm. The Council's Historic Buildings Officer consultation response concurs with this judgement.

Parcel B, save for the proposed new access route is situated circa 300m to the south of the Aston Flamville Conservation Area. Whilst there is little or no direct inter-visibility between the listed buildings in the village and the solar arrays, Parcel B, its fields and hedgerows contribute to the wider rural setting of these assets, as well the setting of the designated Conservation Area. There are very limited opportunities for viewing the site looking towards the Conservation Area, however, the proposed development

will have a presence in the views from the edge of the Conservation Area out across the wider rural landscape.

The landscaping mitigation proposed, particularly along the northern boundary of Parcel B will help to provide effective screening of the proposals over time. Nonetheless, given the scale of the proposed development, it will alter the rural character and appearance of the site and will result in some loss of some of the positive contribution made by the site and its surroundings to the significance of the Conservation Area and the other heritage assets in the village. Both the HA and the Council's Conservation Officer conclude that this would result in less than substantial harm.

#### *Impact on heritage assets to south of Parcel B (Lutterworth Road)*

The heritage assets within this broad area comprise 2 Grade II Listed Lodge Cottages, historically associated with the now demolished Burbage House, and Orchard Farm, a non-designated heritage asset, positioned approximately 500m to the north of Lutterworth Road. The application site forms part of the wider setting of these properties. As a result of the clear physical and visual separation created by the M69 between Parcel A and these assets, this part of the site is not considered to detract from the significance of the asset and no harm will result.

Parcel B is in closer proximity to the identified properties on Lutterworth Road, however, due to factors of distance, topography, presence of intervening vegetation and the limited intervisibility between the application site and these assets, it is considered that the development will result in no harm to the significance of the assets.

#### *Impact on Burbage Heritage Assets*

Though Burbage and its heritage assets lie within Hinckley Borough, the impact of development in Blaby District on these assets is a material consideration which requires assessment.

The historic core of Burbage is designated as a Conservation Area and is centred around the church and surrounding streets creating an enclosed setting. The Grade II\* listed St Catherine's Church is a focal point and its spire is a visible feature from the surrounding countryside. Whilst the submitted HA identifies a number of listed buildings and non-designated heritage assets within Burbage, the Hinckley and Bosworth Borough Council's Conservation Officer deems the Conservation Area and Grade II\* listed church to be the only heritage assets that could be affected by the proposals. The submitted HA does not identify any historical or functional connection between Parcel A and the Burbage heritage assets.

Furthermore, whilst Parcel A does form part of the wider rural setting to both the church and Conservation Area, it does not make a contribution beyond this to the significance of the Burbage heritage assets and their appreciation. The proposed landscaping strategy will assist in filtering views from the Conservation Area, and intervening fields between Burbage's heritage assets will provide a buffer. Nonetheless, glimpses of the development may still be possible from the Conservation Area and some of the wider rural setting of the Burbage assets will be changed. In addition, the rural context of

views westwards back towards the Burbage heritage assets from the public rights of way crossing Parcel A will be altered by the solar panels. There would be a consequent reduction in the minor appreciation of the heritage assets currently available from the wider rural setting. The HBBC Conservation Areas agrees with the HA that this would result in lower levels of less than substantial harm to the Conservation Area and listed St. Catherine's church.

Parcel B is located to the south east of Burbage and is separated from it by the M69. The motorway limits intervisibility and Parcel B's contribution to how the Burbage assets are experienced and understood. The development of Parcel B is not considered to detract from the significance of the Burbage assets and, as such, no harm will result from the development.

### *Conclusions on Built Heritage*

In respect of built heritage, the proposed development is considered to result in less than substantial harm to the significance of heritage assets in Aston Flamville, the Burbage Conservation Area and St Catherines Church by virtue of the change in character of the wider rural setting of these assets. In accordance with Policy DM12 and the policy requirements set out in the NPPF, this identified harm should be weighed against the public benefits of the proposal. This is discussed further in the Planning Balance section of this report.

### Archaeology

Paragraph 194 of the NPPF provides that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The submitted Archaeology Desk Based Assessment and Geophysical Survey of the site consider archaeological matters.

The Leicestershire and Rutland Historic Environment Record (HER) notes that whilst no known archaeological remains are recorded within the application area there is a likelihood that currently unknown heritage assets will survive. The site lies in close proximity to the medieval and post-medieval villages of Aston Flamville and Burbage. To the east of the site at Mickle Hill, Mesolithic, Neolithic and Bronze Age flints have been recovered. In addition to a Roman coin hoard found nearby, archaeological evaluation associated with development proposals to the north of Aston Flamville and the development at Hinckley Island (Junction 1, M69), identified four discrete previously unknown middle to late Iron Age and Roman sites, as well as an earlier Iron Age pit alignment. The site also contains evidence of ridge and furrow earthworks. As the site has not been previously developed, consequently in the event that archaeological remains are present it is likely that they will be well preserved.

A geophysical survey of the site has been undertaken by the applicant, however, the results of this are considered by the County Archaeologist to be largely inconclusive. The survey did, however, reveal potential anomalies in the area around the M69 corridor, possibly reflecting Iron Age and Roman activity. Given the limited conclusions that could be drawn on archaeological deposits from the Geophysical survey, the

County Archaeologist initially recommended that the District Planning Authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals by field evaluation.

Given the extent of the site, the applicant was not willing to undertake pre-determination field evaluation. Accordingly, a negotiated solution has been agreed with the County Archaeologist, following a precautionary approach whereby the areas of the site with the highest archaeological potential are subject to 'no-dig' archaeological exclusion zones. The relevant areas have been identified alongside the M69 corridor within both Blaby District and Hinckley Borough areas, with a further area within Parcel B towards the eastern edge of the site. Further drawings have been provided by the applicant to outline the 'no-dig' areas and to demonstrate how the solar panels, inverters/transformers and cabling would be surface mounted such that the development would not entail any ground disturbance. These matters are recommended to be controlled by planning condition. The remainder of the site (i.e. those areas not subject to the exclusion zone limitations), would also be subject to a condition to secure further archaeological work on site, including trial trenching followed by intrusive and non-intrusive investigation, as necessary, and recording. Further comments are awaited from the County Archaeologist in respect of the indicated construction details and these will be reported to the Committee at the meeting.

Subject to the imposition of the recommended condition it is considered that the proposed development satisfactorily addresses the archaeological interests of the site and thus complies with Policy CS20 and Policy CS12.

### **Impact on Agricultural Land**

The NPPF states at paragraph 174 that, *inter alia*:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”*

Footnote 58 of the NPPF also states:

*“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”*

The Agricultural Land Classification (ALC) system divides agricultural land into five grades (Grade 1 'Excellent' to Grade 5 'Very Poor'), with Grade 3 subdivided into Subgrade 3a 'Good' and Subgrade 3b 'Moderate'. Agricultural land classified as Grade 1, 2 and Subgrade 3a falls in the 'best and most versatile' (BMV) category. Planning

Practice Guidance (PPG) identifies BMV land as *“the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations.”*

A detailed ALC survey has been undertaken on the site and the results presented in an Agricultural Land Classification Report. This identifies that the entire site is classified as Subgrade 3b agricultural land. Furthermore, pre-1988 ALC information indicates that Blaby District has a high proportion of agricultural land in Grade 3 (not differentiated between Subgrade 3a and Subgrade 3b), 82.5% compared with 48.2% in England as a whole. The development would not therefore entail the loss of any BMV land and the proposals are not considered to adversely impact on soil resources, given the prevalence of Grade 3b agricultural land in the district. The applicant has also confirmed that the grounds around the arrays could support use of the land for grazing, continuing the agricultural use.

The development of agricultural land at this site would not significantly harm national agricultural interests and is consistent with the approach set out in paragraphs 180 and 181 of the NPPF.

### **Flood risk and drainage impacts**

Policy CS22 seeks to ensure that development is directed to locations at the lowest risk of flooding, giving priority to Flood Zone 1.

Paragraph 159 of the NPPF requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Paragraph 167 continues by explaining that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The application is supported by a Flood Risk Assessment (FRA) due to the extent of the site area and as an area within Parcel B's boundaries is indicated on the Flood Map for Planning as lying within Flood Zones 2 and 3. The greater risk of flooding in this location is associated with a tributary of Soar Brook watercourse adjacent to the eastern boundary of Parcel B. The remainder of the application site is located within Flood Zone 1.

In respect of surface water flooding risk, there are areas within Parcel A ranging from very low risk to high surface water risk. Depth of surface water flooding ranges from 300mm to 900mm and is largely associated with surface water draining to the watercourse transecting the site and ponding in ground with lower topography. Parcel B is noted to be predominantly at very low risk of surface water flooding with some areas adjacent to the southern and eastern boundaries ranging from low to high surface water risk. These risks are associated with watercourses which pass close to the boundaries of Parcel B.

All of the structures and equipment associated with the development is entirely located within those areas identified as lying within Flood Zone 1. As such it is not considered necessary to apply the sequential and exception tests. The Environment Agency has been consulted on the submitted Flood Risk Assessment and has raised no objections to the approach taken in the report or its methodology. No alterations to existing

ground levels are proposed as part of the development and therefore this is no potential displacement of fluvial flooding. Furthermore, an 8m buffer will be provided across the site in relation to adjacent watercourses. There are areas of surface water flooding risk across both parcels of the application site. However, as no alterations are proposed to the ground levels and overland flows will be able to continue as per the existing situation no mitigation is required. In addition, the solar arrays are set at 0.8m above ground levels and are therefore unlikely to be impacted by any flooding and will, themselves, be unlikely to displace flood water or significantly alter the current greenfield scenario in respect of surface water movement. Suggested SuDs approaches are limited to nature based solutions that ensure that vegetated ground surrounds the arrays, new landscaping, natural filter strips between rows and use of gravel bases for ancillary buildings.

The Environment Agency and Lead Local Flood Authority (LLFA) have both commented on the application and neither has raised objections to the scheme. The LLFA acknowledges that the proposals seek to replicate the existing greenfield scenario and that a positively drained drainage strategy is not therefore required. Conditions are recommended requiring a surface water drainage scheme, details of surface water management and long-term maintenance scheme to be submitted, as well as restricting any electrical installations to Flood Zone 1 only.

The proposal is therefore considered to comply with Policy CS22 and the requirements of the NPPF.

### **Ecology and biodiversity impacts**

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. Policy CS14 relates to green infrastructure and seeks to improve and enhance this network within the district. Policy FV4 of the Fosse Villages Neighbourhood Plan supports proposals for development which maintains and enhances existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

Paragraph 180(d) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.

#### Trees

The planning application is accompanied by a Tree Survey and Arboricultural Impact Assessment (AIA) which identifies 175 individual trees, 41 groups of trees and 34 sections of hedgerow within and adjoining the site (including the part of the site within Hinckley Borough). Of these, 30 trees/groups of trees fall within Category A – Trees of high quality and value; 22 trees/groups of trees fall within Category B – Moderate quality trees whose retention is desirable. The majority of trees/groups of trees (141) fall within Category C – Trees of low quality and value. Two veteran trees have also been identified; T173, an ash tree which is situated outside of the site but which is adjacent to the southern part of the access route into Parcel B and T88 an English Oak which is situated within the area to be set aside for biodiversity enhancements

(both within Blaby District). None of the trees within Blaby District are protected by a Tree Preservation Order.

The proposed site design for the solar farm accommodates all of the existing trees and the majority of the hedgerows on the site. Some minor removal of short sections of hedgerow are required to facilitate the construction of access tracks and the erection of security fencing. Where possible these have been designed to utilise existing gaps within the hedgerow. Creating access from the public highway into the site will result in some hedgerow loss totalling some 20m. Given the scale of the proposed development, the loss of trees/hedgerow on the site is not considered to be significant and will be compensated for with additional tree and hedgerow planting. The proposed deer fencing is to be erected beyond the root protection areas of trees and solar panels are set away from vegetation. Gravel tracks proposed within the site are indicated to be constructed with compacted gravel and a geo-textile lining and will be of 'no-dig' construction and also outside of root protection areas, minimising any possible impact on the retained trees.

The AIA incorporates measures for protection of the trees during construction and a tree protection plan identifying the position of a temporary construction protection zone for the trees and hedgerows. Leicestershire County Council Forestry has advised that they have no objection to the proposals provided that the protection methodologies identified in the AIA and indicated on Tree Protection Plan are implemented in full. These matters can be satisfactorily addressed by conditions.

New tree planting is proposed, notably along the boundaries of the northern most field in Parcel A and northern boundary of Parcels B. The new woodland planting has been welcomed by the County Tree Officer and can be secured by conditions.

The development proposal is considered therefore to be compliant with policy CS19 in relation to the impact of the development upon trees.

### Ecology

The Ecology Report submitted with the application confirms that the site does not form part of any statutory or non-statutory designation, although designated sites do exist within 1km of the site. An Extended Phase 1 Habitat Survey identified a limited range of habitats on the site which is typical of agricultural land; the majority of the site consists of low value arable fields with poor semi-improved grassland field margins. One potential Local Wildlife Site (pLWS) is located within the site and relates to a hedgerow along the northern boundary of Parcel B. Generally, the hedgerows within the site provide habitat of greatest value within the site, offering potential for local biodiversity and habitat connectivity. Circa 20m of the pLWS hedgerow is proposed for removal which is required in order to provide access. Other access tracks will utilise existing gaps within hedgerows which are of sufficient size to accommodate the route. All other features of ecological interest, including potential bat roosting trees, woodland, hedgerows, ditches and ponds will be retained within the proposals.

In respect of species, bat roosting potential was found for multiple trees within the site, however, these will not be impacted by the development. The retention of hedgerows

and tree lines will also ensure that foraging and commuting bat activity is not adversely affected.

As most of the hedgerow and woodland habitats will be retained, the majority of bird species identified in the survey will not be adversely affected. The loss of arable farmland will, however, result in the loss of suitable breeding habitat for skylark, which were identified within the site and which are a 'red list' species. Other suitable habitat will be provided within a newly created 'biodiversity area'. No evidence was found of great crested newts, water vole, reptiles and badgers.

Whilst the application is exempt from mandatory biodiversity net gain as it was submitted prior to 12<sup>th</sup> February 2024, a biodiversity net gain (BNG) assessment has also been undertaken for the site demonstrating a net gain of 79.5% for habitat units and 1.3% for hedgerow units. Leicestershire County Council Ecology have been consulted on the BNG assessment which they consider to be suitable with the proposed habitat creation being realistic and achievable, with appropriate management.

The Ecology Report and BNG assessment make a number of recommendations in order to provide mitigation and to deliver biodiversity enhancements. These have been reviewed by the County Ecologist and deemed to be acceptable. These can be secured by condition and include:

- Ecological buffers around the hedgerows;
- Additional hedgerow planting to 'gap-up' hedgerows;
- Creation of two new species rich native hedgerows – one 66m section in the southwest corner of Parcel A and 130m section in the east Parcel B;
- Pollution control measures during construction works near ditches and ponds;
- Improvements to the pond within the site;
- Proposed species rich grassland creation within the solar arrays;
- Creation of biodiversity area in eastern most field of Parcel B, to be seeded with a wildflower seed mix;
- Grassland within the flood zone to be seeded with a flood tolerant meadow mixture;
- Grassland to be managed for wildlife, including farmland bird species and skylark.
- Retention of existing hedgerows and trees, except where removal is required for access tracks;
- Strengthening of northern hedgerow with additional planting;
- Installation of bird boxes on trees throughout the site;
- Nesting bird checks prior to undertaking any management works to hedgerows
- Hedgerow removal to take place under a precautionary method statement for reptiles;
- Pre-construction badger survey to be undertaken to confirm status of any badger setts;

The County Ecologist has not raised any objections to the proposals and considers that the ecology report makes suitable recommendations to minimise the impact of any losses. Conditions are recommended that require the implementation of the

measures recommended in the Ecology Report and submission of and subsequent adherence to Landscaping and Ecological Management Plan which will secure the delivery of biodiversity enhancements across the site are a benefit of the proposed development over the lifetime of the development, which is consistent with the requirements of the NPPF paragraph 174(d) and the relevant policies of the development plan.

### **Impacts on Residential Amenity**

Policy DM2 (criterion (b)) requires that development should provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers, including consideration of, *inter alia*, privacy, light, noise, disturbance, overbearing effect, hours of working and vehicular activity. Similarly, paragraph 130 (f) of the NPPF requires development proposals to create places which promoted health and well-being, with a high standard of amenity for existing and future users.

Parcel A sits to the south of a short ribbon of houses along Aston Lane on the eastern edge of Burbage. At their closest point, this ribbon of development is approximately 146m from the site. There are also numerous properties on the outer eastern edge of Burbage which would have an unobstructed view of the development. These properties are in excess of 600m from the site boundary, with the exception of Cottage Farm which lies circa 350m directly to the west of Parcel A. Whilst these properties will be able to perceive the solar farm, particularly from first floor windows, the separation distances are sufficient to ensure that the impact is not intrusive or results in a detrimental impact on residential amenities.

The Landscaping Strategy Plan shows new woodland planting around the boundaries of the northernmost field in Parcel A in addition to the retention and management of existing hedgerow and trees. Thus, over time, views will be increasingly filtered and screened such that no harmful impacts are considered to arise.

The closest properties to Parcel B are those located along Lychgate Lane in Aston Fillamville and Mickle Hill Cottage, which are all approximately 300m from the area that will be developed with solar arrays. The Lychgate Lane dwellings, in particular, are elevated above the site, having expansive views of the surrounding countryside. As evidenced in the submitted wireline images demonstrating the impacts of landscaping from this vantage point, the solar panels would be visible from the Lychgate Lane. However, given the intervening distance, topography and the proposed mitigating landscaping measures proposed, the solar panels would not be intrusive or dominant such that residential amenities would be harmed.

There are a number of scattered properties located to the south of Parcel B around the B578 Lutterworth Road. These are a minimum of 450m from the solar arrays and given the intervening distance and landscaping strategy, views will be limited within the wider landscape and will not be detrimental to residential amenities.

A 'Glint and Glare' assessment has also been submitted to assess the likelihood of solar reflection occurring which could cause nuisance to residential receptors. Solar reflections have been assessed as being geometrically possible for 145 out of the 146

identified dwelling receptors (including those dwellings and parts of the site within Hinckley Borough). Existing screening, predominantly in the form of vegetation is predicted to block views of the reflective area for 116 out of these 145 dwellings. For the remaining 27 dwellings (located on the eastern edge of Burbage), the solar reflective area is predicted to be fully or partially visible, however, the impacts are not considered to be significant due to the limited time that the reflection would be experienced or existing mitigating factors have been identified including partial existing screening, separation distance and position of the sun. Overall, no significant impacts are predicted and no further mitigation is required.

The planning application has been supported by a noise assessment based on a noise survey at the site which gives consideration to noise arising during both the construction and operational phases of the solar farm development. In particular the impact of piling activity has been assessed in respect of noise and vibration and given the low levels of noise arising from the construction machinery (lower than the ambient noise levels at the nearest residential receptor) and the transient nature of the works, no harmful noise impacts are considered to arise from this activity. Similarly, in respect of vibration caused by piling, the impact is assessed as being unlikely to be significant and short term in its effect.

During the construction phase more generally, there is likely to be disturbance in the form of moving vehicles, noise, dust and light. The submitted Construction Transport Management Plan indicates working hours of 0800 to 1800 Mondays to Fridays and 0800 – 1300 on Saturdays, with no construction activities taking place on a Sunday or Bank Holidays. These impacts and hours of work can be controlled through the provisions of and adherence to a Construction Management Plan (CMP) which can be required by condition.

During the operational phase of the development, a worst-case scenario has been assessed by assuming that the development operates continuously at maximum load during the daytime and night-time. In reality this is unlikely to occur, particularly at nighttime. Nonetheless, even in this scenario, noise impact is not predicted to have any adverse effects on nearby residential properties. It is anticipated that will not be harmful to the amenities of the occupiers of nearby residential properties during the daytime or night-time. It should be noted that the Council's Environmental Services team has not raised any concerns subject to a condition requiring development to proceed in accordance with the noise impact assessment.

No permanent night-time illumination is proposed. Lighting is proposed to be limited to that necessary for security and maintenance and can be controlled by condition.

No significantly adverse impacts on residential amenity can be demonstrated and the proposal is therefore considered to be compliant with Policy DM2.

### **Highway Impacts**

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG). In addition, Paragraph 115 of the NPPF states that development should only be prevented or

refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. The application has been supported by a Transport Statement and a Construction Traffic Management Plan (CTMP) which have been updated during the consideration of the application in order to address the comments of the Local Highway Authority (LHA).

### Site Access

Access to both Parcels A and B is proposed from points on Lychgate Lane. For Parcel A the access and southern most field is located within Hinckley Borough and this element of the proposals will therefore be determined by Hinckley and Bosworth Borough Council (HBBC). Consideration has been given to using an existing field access from Aston Lane (within Blaby District) to serve Parcel A, however, the land available to achieve this is not available to the applicant. HBBC and Blaby District Council have received the same combined consultation responses from the LHA in respect of the proposals, however, Blaby District Council will be determining those access arrangements in respect of Parcel B only.

Access to Parcel B is proposed from Lychgate Lane, an unclassified road, and from a section to the lane within the village and subject to a 30mph speed limit. Whilst there is an existing kerbed bellmouth access into Parcel B, this is not capable of facilitating HGV movements due to the gradient of the embankment from the carriageway to the site which would require land outside of the applicant's control to overcome the levels difference. The new access would therefore serve the development during both the construction and operational phases of the development.

At the request of the LHA, a Stage 1 Road Safety Audit has been undertaken in respect of the access to Parcel B and an automatic speed survey has been carried out as part of an automatic traffic count on both the western and eastern sides of the access. Visibility splays have been based on the results of the speed surveys.

The proposed site access drawing shows an 8.2m wide access with 5m control radii to the east (Aston Flamville direction) and 10m control radii to the west (towards Burbage) with vehicle tracking provided for a 16.5m articulated HGV manoeuvring into and out of the site access. The results of the speed survey indicate vehicles speeds in excess of the posted 30mph speed limit in both directions, requiring visibility splays of 2.4m x 65m on each side of the access. The applicant has demonstrated that this is achievable within land under the applicant's control or within the highway extent. The submitted Road Safety Audit did not highlight any concerns with the access.

A Construction Transport Management Plan has also been submitted which outlines measures that would be in place to avoid two HGVs attempting to arrive and depart at the same time and that a banks person would be available to assist with the access/egress of HGVs.

The LHA has considered the proposals and finds the proposed access arrangements acceptable.

### Highway Safety

There has been two Personal Injury Collisions (PICs) in the past five years. within the vicinity of the site, both of which occurred on Aston Lane, were recorded as slight in severity and involved one vehicle. The LHA are also aware of an additional PIC at the junction of Hinckley Road and Lychgate Lane involving a cyclist and another vehicle which was also recorded as slight. Whilst even a single accident is unfortunate, the PIC record is not considered by the LHA to represent any patterns or trends which could be exacerbated by the proposed development.

### Trip Generation

The trips generated by the development during the operational phase of the development will be negligible and limited to occasional visits (roughly once per fortnight) for maintenance purposes. No permanent staffing of the site is required.

The most significant impacts in terms of trip generation will relate to the construction phase. This phase of the development is estimated to last approximately 16 weeks with the maximum personnel on the site at any one time to be between 5 and 60, dependent on the nature of construction activity taking place. It is intended that all staff driving would park on the site itself. It is anticipated that there would be an average of 16 two-way HGV daily movements (i.e. 8 arrivals and 8 departures) would be associated with the development during the construction period. Given the temporary nature of the construction period and expected traffic volumes, junction capacity assessments of key junctions are not required.

Decommissioning is expected to follow a similar pattern to the construction phase in terms of vehicular movements and further details of this are recommended to be managed by an appropriately worded condition.

### Internal Layout

The LHA's consultation response confirms that they are satisfied that there would be sufficient space for parking and turning within the site for maintenance vehicles. The internal layout of the construction compound is currently undetermined but it has been stated in the applicant's Construction Traffic Management Plan (CTMP) that the compound would be designed to accommodate a turning HGV and parking within the site. These details can be secured by condition as part of a Construction Management Plan (CMP).

### Construction Traffic/Off-site implications

The applicant has submitted a Construction Traffic Management Plan (CTMP) which considers four potential routes for construction traffic. There are presently no methods available to the District Planning Authority to enforce the routing of construction vehicles where vehicles can lawfully use the public highway. The onus will therefore be on the applicant and their chosen contractor to implement the CTMP and a condition is recommended to ensure that this happens.

The applicant's preferred route is from the M69, A5, B4114, Sharnford Road and then Lychgate Lane. Lychgate Lane through Aston Flamville is subject to a 7.5t weight restriction and varies in width along its route being at its widest near to St Peters Church, narrowing to 4m at the 30/national speed limit sign to the west. It also includes a sharp 90 degree bend where the submitted CTMP acknowledges that HGVs would take up the entire carriageway when travelling around the bend. Given the carriageway widths and the bend, other vehicles travelling through Aston Flamville could come into conflict with HGVs.

Revisions have been made to the CTMP and a further technical note has been submitted with a view to resolving traffic management issues during the construction period. The applicant has provided details of temporary signage to be placed at points along the route through Aston Flamville warning of turning HGVs/HGVs in the middle of the road. They have also demonstrated where they consider cars and HGVs could pass along the route.

Lychgate Lane has no public footpath and no kerb line separate the carriageway from the verge/residents' properties. Further details are therefore still required as to how the applicant would ensure that there are adequate passing points and the mitigation proposed to prevent vehicles mounting the verge/residents' front gardens/driveways.

The LHA has highlighted that a route to the site via the B578 (Church Street/Lutterworth Road) Burbage, which is a non-weight restricted road and also a bus route, may be preferable. Furthermore, it also has the benefit of footways in parts and a kerb line separating the carriageway from the verge/footway. The LHA therefore considers that further liaison is required with Leicestershire County Council's Network Management Team in respect of construction traffic routing. This is likely to require further amendments to the submitted CTMP and a condition is recommended by the LHA requiring an updated plan to be submitted prior to the commencement of development.

A condition requiring a pre-commencement and post-construction highway dilapidation survey of Lychgate Lane along the construction traffic route and remedial plans for any damage caused to the highway is also recommended by the LHA.

### Public Right of Way

Public Footpaths V30 and U63 run through the proposed development site within Parcel A and are proposed for retention within the scheme proposals. The LHA has no objections to the proposals in respect of the public rights of way. A scheme for the management of the footpaths during construction to ensure that users of these footpaths remain safe during the construction period can be secured through the imposition of conditions.

### Highways Conclusions

The assessment above shows that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115

of the National Planning Policy Framework (2023) or with Policy DM8. Subject to the conditions and requirements outlined, the Highway Authority raise no objection to the development proposals on highways grounds.

### **Planning Balance and Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In respect of the principle of the development, Policy CS18 does not specifically exclude or allow the development of renewable energy projects in the countryside. The policy does, however, require that development does not have a significantly adverse effect on the appearance or character of the landscape. Policy CS21 Climate Change adopts a positive approach to renewable energy projects, subject to conditions. Policy FV16 of the Fosse Villages Neighbourhood Plan (FVNP) supports the development of solar farms on non-agricultural land but does not preclude their development in rural areas and includes policy provisions to address development of solar farms in such a scenario. It is therefore considered that the development of a solar farm is acceptable in principle and complies with the relevant policies of the of the Development Plan, namely policies CS18 and CS21 and FVNP policy FV16.

The site and its proposals are sited where they are relatively well-contained by topography and vegetation and will respect the existing field parcels. Nonetheless, there is some residual harm that would occur during the operational period in respect of the landscape and visual impacts of the development. This would be particularly felt by users of the of the public rights of way network and in the change in character of the site from a rural landscape to one containing an engineered landscape of solar panels. No harmful impacts are anticipated after decommissioning takes place. The identified harm to the character and appearance of the countryside is an element that weighs against the development proposals and conflicts with the requirements of Policy DM2. It is not, however, considered to result in '*significantly adverse*' effects as set out in policy CS18.

The proposal seeks to minimise its impact upon landscape character and has prepared an appropriate landscape strategy masterplan which will mitigate the effects of the development. In this respect the proposals accord with the requirements of Policy CS21.

The development proposals will not result in the loss of any best and most versatile agricultural (BMV) land which is a matter to which moderate weight is given.

There are a number of other areas of compliance with development plan policies including matters surrounding drainage and flood risk, highways matters, environmental health matters and residential amenity. These are not considered benefits as such and are subsequently held in neutral weight when considering the overall planning balance.

In respect of benefits of the scheme, Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period, therefore attracting limited weight in the planning balance.

The proposal also introduces environmental benefits including enhanced green infrastructure and biodiversity net gain through the provision of new hedgerows and trees, meadow areas and new grassland habitats beneath the solar arrays. As the application is not subject to mandatory Biodiversity Net Gain, these benefits are held in moderate weight.

The proposed solar farm will generate up to 20 MW of renewable energy which will provide clean energy to power homes. This is a significant environmental benefit of the scheme which makes a positive contribution to meeting the climate change challenge. This imperative is recognised in legislation and energy policy and it follows that this should be held in significant weight in the planning balance.

It is recognised that the development of a solar farm in this location will result in 'less than substantial' harm to the significance of heritage assets, including the Aston Flamville and Burbage Conservation Areas and listed buildings within those areas by virtue of the changes to their wider rural setting. This is considered to sit at the lower end of the 'less than substantial' harm on the spectrum. Nonetheless, recognising the great weight that must be given to the conservation of heritage assets, it is required that this harm must be weighed against the public benefits of the proposal. In this case, the provision of renewable energy is considered to be a benefit of substantial weight which, in combination with other less significant benefits, outweighs the limited harm caused to the heritage assets. The proposal is therefore consistent with the requirements of the Development Plan and the NPPF in this regard.

It is suggested that the significant benefits associated with the generation of renewable energy, together with the moderate benefits associated with the environmental enhancements and limited positive economic benefits, outweigh the limited elements of harm associated with the landscape and visual impacts arising from the development and the less than substantial harm to heritage assets. The development is thus regarded to represent a sustainable form of development it is recommended that planning permission is granted with the conditions listed.

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**20/1373/FUL**

**Registered Date  
01.12.2020**

**Venture Properties Group**

**Erection of 13 dwellings with associated infrastructure,  
landscaping and access**

**Land To Rear Of 27 To 45, Avon Road, Braunstone Town  
Leicestershire**

**Report author: Tom White, Senior Planning Officer**

**Contact Details: Council Offices. Tel 0116 250 3078**

**RECOMMENDATION:**

**THAT APPLICATION 20/1373/FUL BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT TO ENSURE THE DWELLINGS REMAIN AS AFFORDABLE DWELLINGS AND TO SECURE THE FOLLOWING:**

1. A contribution towards off-site open space provision;
2. A contribution towards healthcare provision;
3. A contribution towards library services;
4. A contribution towards education provision;
5. Section 106 monitoring contribution

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

1. 3 year time limit
2. Approved plans
3. Materials to be submitted and agreed
4. Hard and soft landscaping scheme to be submitted including boundary treatments
5. Landscaping scheme to be carried out
6. Finished floor levels and land levels to be agreed
7. Parking and turning as shown to be provided and retained
8. Visibility splays at junction with Avon Road to be provided
9. No gates to be erected to front of access and properties
10. Foul water drainage details to be submitted.
11. Surface water drainage details to be submitted
12. Management of surface water on site during construction to be submitted and agreed
13. Long-term maintenance plan of the surface water drainage system within the development to be submitted and approved
14. Construction Method Statement to be submitted and approved including demolition plan.
15. Unexpected Contamination to be reported to District Planning Authority
16. Removal of Permitted Development rights for extensions/additions to any of the dwellings or any further buildings within their curtilages without prior approval from the District Planning Authority

17. No further openings/windows without prior approval
18. Obscure glazing to side elevations of plots 1, 2, 3, 4, 7, 8, 9 and 10
19. Resurvey of bats prior to demolition.
20. 6 bat boxes to be installed in suitable locations on the proposed buildings, and recommended enhancements in Section 6 of Preliminary Ecological Appraisal to be followed.
21. Gaps of at least 130mmx130mm will be provided at suitable intervals along the boundary and garden close boarded fences in order to avoid disrupting the routes of small wildlife.
22. Waste management plan to be submitted to and agreed prior to first occupation

## **NOTES TO COMMITTEE**

This application has been brought before the Planning Committee as it is for a major development. Application 21/1110/LBC has also been brought before the Planning Committee, for the demolition of a curtilage listed building, as this is required to implement the development proposed in this application.

This application was previously considered by the Planning Committee on 7<sup>th</sup> April 2022, with a resolution to grant planning permission subject to the planning conditions and obligations set out in the report. The decision notice was subsequently issued on 28<sup>th</sup> October 2022 following the completion and signing of the Section 106 Agreement.

However, the decision was challenged in the High Court on four grounds as follows:

Ground One: The Officers Reports in respect of both applications significantly misled the Planning Committee by failing to consider paragraph 196 of the National Planning Policy Framework (“NPPF”) which states that evidence of deliberate neglect or damage to a heritage asset should not be taken into account in any decision.

Ground Two: The Officers Reports significantly misled the Planning Committee by failing to apply section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).

Ground Three: Members were significantly misled by being told – at the Planning Committee meeting - to disregard, or instructed that they could give no weight to, an emerging Conservation Area designation which would include the Site.

Ground Four: A member of the Council’s Planning Committee, was erroneously told that he could not determine the applications on the basis of purported predisposition.

A Judgement was issued on 15<sup>th</sup> September 2023. The Judicial Review claim succeeded on grounds 1 and 4 and failed on grounds 2 and 3. The grant of planning permission and listed building consent for the demolition of the old milking shed were therefore quashed, meaning the applications are required to be redetermined.

## **Relevant Planning Policy**

### **National Planning Policy Framework (2023)**

### **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 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 CS15 – Open space, sport and recreation  
Policy CS19 – Bio-diversity and geo-diversity  
Policy CS20 – Historic Environment and Culture  
Policy CS21 – Climate change  
Policy CS22 – Flood risk management  
Policy CS24 – Presumption in favour of sustainable development

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

Policy SA5 – Key Employment Sites and Other Existing Employment Sites  
Policy DM1 – Development within the Settlement Boundaries  
Policy DM4 – Connection to Digital Infrastructure  
Policy DM8 – Local Parking Standards and Highway Design  
Policy DM12 – Designated and Non-designated Heritage Assets

## **Summary of Consultation Responses**

**Blaby District Council, Environmental Health** – No objections but makes comments in respect of contamination risk, flooding, drainage, noise, vibration, dust and construction activities, and recommends appropriate conditions.

**Blaby District Council, Housing Officer** – Supports the development. Comments that there is a high and pressing need for further supply of affordable housing in Braunstone Town and that the mix and tenure of housing (social rented) has been agreed between the developer and Council's housing team in pre-application discussions. Also comments that whilst the scheme will serve the whole district, people with a connection to Braunstone Town make up greater than a quarter of the housing register.

**Blaby District Council Neighbourhood Services** – Has neither objected nor has raised no objections dependant on whether the road is adoptable or not.

**Blaby District Council, Principal Planning and Conservation Officer** – made comments on the application following the Judicial Review decision. Comments that it is difficult to demonstrate that the curtilage listed building has been deliberately neglected given that it appears structurally sound and doesn't appear to be showing any accelerated signs of decay. Comments that some of the issues such as ivy growth were apparent back in 2007. Considers that the condition of the former milking parlour is a material consideration to be addressed in the consideration of the application. Recommends that the applicant provides a building condition survey by an accredited conservation-led surveyor in advance of taking the application to Planning Committee to demonstrate that this matter has been given full consideration.

**Braunstone Town Council** – *“Braunstone Town Council objects to the proposal and recommends refusal, since the proposals:*

- 1. were located on an unsustainable and unreasonable site for development;*
- 2. would result in overdevelopment of the site due to factors including scale and mass;*
- 3. have an unsatisfactory relationship with nearby uses that would be significantly detrimental to the amenity enjoyed by the occupiers of those properties, due to considerations of privacy, noise and vehicular activity;*
- 4. were significantly out of keeping with the character and the appearance of the area, particularly the neighbouring Conservation Area and listed buildings in the vicinity;*
- 5. would result in the potential loss of an archeologically important site;*
- 6. were not designed to address climate change and provide for sustainable living;*
- 7. would present dangers to the safety of highway users on Avon Road; and*
- 8. would result in surface water run off towards Braunstone Lane / Main Street.*

**Reasons:**

- 1. The site had not been included in the emerging Blaby District Local Plan Options; which sets out options for the location of development and identified reasonable site options.*
- 2. The proposal was for 16 properties, which could contain 16 families; resulting in overall cramped living conditions on the site. The Maisonettes had no private amenity space. The layout and parking was insufficient to accommodate visitors and larger emergency vehicles, which could result in additional parking on site and on Avon Road with the potential to cause obstruction and dangers for highway users.*
- 3. 16 properties would be located close together on a small plot of land, which was surrounded by established housing on Avon Road, Bidford Road and Balmoral Drive; Plots 1, 2, 15 and 16 presented an overbearing effect on the neighbouring bungalows; the single narrow access would provide for significant vehicular movements between properties.*

4. *The site was close to an ancient barn and Manor House presenting a threat to its setting; Manor Farm was a Grade 2 listed building; these properties were at risk from the impact of the construction and from surface water run-off. The proposals would impact on the setting of Braunstone Village and no consultation had taken place with the neighbouring local authority.*
5. *A previous planning application for this site contained an archaeological assessment which indicated there was potential for archaeology on this site. The area was part of a medieval farm curtilage. Manor Farm was the first brick built farm in the village and had been a working farm which produced cheese. The proposed development and finish floor levels were likely to result in excavations to a level which would compromise and destroy the archaeology below the surface.*
6. *The design and layout were contrary to addressing climate change and were not in keeping with the Environment and Sustainability Policies set out in the emerging Local Plan; for example removing trees and not installing solar panels. The proposals also didn't provide for sustainable living with a lack of private or communal amenity space.*
7. *The proposed exit on to Avon Road would add to traffic problems, Avon Road had a significant amount of on-street parking, especially at the times when children were being taken to or collected from school.*
8. *The plans were not clear on how drainage away from Braunstone Lane (Main Street) and towards Avon Road would be secured; the intention seems to be to utilise the sewage system on Avon Road but the site slopes significantly downwards from Avon Road towards Braunstone Lane."*

**Historic England** – No objections but recommend seeking specialist conservation and archaeological advice.

**Leicestershire County Council, Archaeology** – No objections. The proposal will not result in significant impact upon any archaeological interest and no further action is required.

**Leicestershire County Council, Civic Amenities** – No contributions has been requested.

**Leicestershire County Council, Ecology** – No objections. Advises that the bat survey and emergence surveys carried out are satisfactory with no bats recorded using the building and no further survey work is required. Recommends a condition requiring the installation of 6 bat boxes and a condition requiring fences to have gaps at suitable internals to avoid disrupting foraging and commuting routes of small wildlife.

**Leicestershire County Council, Education** – Has requested a financial contribution for the secondary education needs arising from the development.

**Leicestershire County Council, Forestry** – No objections. Comments that the Landscape Strategy Plan indicates a reasonable amount of tree planting and landscaping to soften the new development. Recommends the provision of a landscape maintenance plan.

**Leicestershire County Council Highway Authority** – Initially raised concerns over the internal layout and site access. However, after the amended plans the Local Highway Authority (LHA) now considers that the impacts of the development on highway safety would not be unacceptable. The LHA comments that the proposed access has been reconfigured to provide 4.8 metre carriageway with a 2 metre footway to the south east and a 0.5 metre service strip to the north and west. Although pedestrian visibility splays have not been shown, the LHA is satisfied these can be achieved and secured by condition. Regarding the internal layout, the LHA comments that the plans show a refuse vehicle can enter the site, turn and exit in a forward gear. The LHA are satisfied that although there are concerns over the accuracy of the tracking drawings, there have been significant changes to the internal layout of the site, including the geometry of the internal road and the LHA are satisfied that the new road layout would allow refuse vehicles to enter, turn and exit in a forward gear, without resulting in a severe impact in terms of highway safety. The LHA has recommended conditions relating to the provision of a construction traffic management plan, the implementation of the access, pedestrian visibility splays, drainage, and parking and turning facilities.

**Leicestershire County Council, Lead Local Flood Authority (LLFA)** – No objections but recommends conditions relating to surface water drainage.

**Leicestershire County Council, Libraries-** Have requested a financial contribution for the increased demand for library services arising from the development.

**Leicestershire County Council, Principal Historic Buildings Officer** – has stated that the proposal would harm the character of the Listed Building and the surrounding curtilage of the Listed Building. However, he also states that the level of harm is less than substantial and that the level of harm is also toward the lower end of the less than substantial spectrum.

**Leicestershire Police** – have made recommendations for the proposed site in relation to design.

**NHS, East Leicestershire and Rutland Clinical Commissioning Group** – Have requested a financial contribution to provide additional capacity within local GP practices to meet the need arising from the development.

**Severn Trent Water** – No objections but provides comments in relation to protection of assets and appropriate planting in the vicinity of Severn Trent Water's assets.

### **Third Party Representations**

30 letters of objection have been received in regards to the following:

- Loss of historically important building/ Loss of nearby historical milking sheds
- Harm to nearby Grade II Listed Building
- Harm to Archaeological Site
- Harm to nearby conservation area
- Devaluing nearby residential properties

- Overlooking onto Neighbouring properties
- Loss of employment site/ employment building being in good condition
- Traffic Disturbances/ Increase in Traffic
- Highways not up to adoptable standard
- Bins having to be dragged at least 25 metres plus to Avon Road
- Noise pollution/ noise arising from development
- The application being for housing association
- Air pollution
- The proposed dwellings being visually unattractive
- Higher levels of pollution
- Other applications relating to the application site
- Harm to wildlife
- Objecting to the planning application
- Harm to nearby roosting bats
- Council website being down
- Ruining views from nearby residential properties
- Impacting a local member of the communities business
- Harm to nearby roosting bats
- Other applications relating to the application site
- Existing tenant of building to be demolished would have to find new premises
- Loss of existing vegetation
- Erection of two shipping containers on site
- Increase in anti-social behaviour
- The proposed development being visually unattractive
- Incorrect heritage statement/ lack of justification for the loss of the curtilage listed building
- No marketing report submitted
- Previous planning application
- Lack of public benefits

### **Relevant History**

91/1246/1/R	Retention of warehouse distribution and related retail use.	Approved 06.01.1992
07/0768/1/P	Demolition of existing buildings/structures and erection of 3 office blocks (Class B1) (Revised Scheme)	Approved 15.10.2007
08/0353/1/V	Removal of Condition 21 relating to planning permission 07/0768/1/P to allow insertion of mezzanine floors within the office units	Approved 17.06.2008
21/1177/D	Application to discharge condition 5 to planning application 01/0634/1/V	Refused 08.12.2022
21/1110/L	Demolition of existing building	Pending Consideration

## **EXPLANATORY NOTE**

### **The Site**

The application site is approximately 0.34 ha in size and it is located to the north western edge of the built-up area of Braunstone Town. The site is currently a mixture of an area of informal open space and area of commercial units. The site is constrained to the south and west by residential properties on Avon Road and Balmoral Road which are predominantly bungalows and two storey semi-detached properties of matching designs and forms. To the north and east of the site is the remainder of the existing commercial site which is itself partially surrounded by residential properties along Bidford Road, Balmoral Drive and Braunstone Lane. The commercial estate is accessed from Braunstone Lane but does have an historic access onto Avon Road as well.

The application site is adjacent to a Grade II listed building (no.252 Braunstone Lane) and includes part of its original curtilage within the site boundary. The listed building on Braunstone Lane is opposite the boundary of the Braunstone Conservation Area (which is entirely located within the administrative boundary of Leicester City).

### **The Proposal**

The application seeks full planning permission for the erection of 13 dwellings with associated parking and access from Avon Road. The 13 dwellings would all be social rented properties.

As part of the application, a boundary wall and fence would be erected to separate the remaining part the existing commercial site from the application site. The application would also include the demolition of a curtilage listed building which was previously used by a business for the storage of paint supplies.

The proposed dwellings consist of eight two storey semi-detached and terraced properties of matching design constructed of a mix of light red and dark red brick with slate roofs. The proposal also includes the provision three bungalows and two flats within a two storey detached building to the centre of the site.

The development now proposed has been amended from that originally submitted by reducing the number of dwellings proposed from 16 to 13 and includes alterations to the design of the site access.

### **Planning Policy**

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.

The National Planning Policy Framework (2023) establishes the key principles for proactively delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development in sustainable locations and that new development is of good design quality.

### **National Planning Policy Framework**

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

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:

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

Paragraph 11 states that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; (paragraph 11c) or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11d)

Footnote 8 indicates that the policies which are most important for determining the application are out-of-date for applications involving the provision of housing in situations where (a) the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

In September 2023, the District Planning Authority indicated that its housing land supply position was 3.69 years. As such, paragraph 11d of the NPPF would apply. Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 202 states *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."*

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. The policies which are the most relevant to the proposed development are listed below. However, as the Council cannot currently demonstrate a five year housing land supply, paragraph 11d of the NPPF is engaged, and those policies which relate to the supply of housing are considered out-of-date.

## 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 (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva). A minimum of 8,740 homes will be developed in the District between 2006 and 2029, of which, at least 5,750 houses will be provided within and adjoining the Principal Urban Area (PUA).

Policy CS1 also indicates that *‘in each settlement, encouragement will be given to the use of previously developed land and underused land and buildings’*. The site would consist of 13 affordable dwellings being built on an area of informal open space and a commercial site within the settlement boundary of Braunstone Town, which is situated within the Principal Urban Area of Leicester.

## 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 providing opportunities to enhance the natural and historic environment. The strategic objectives of this Policy seek to improve the design quality of all new developments in the District including the need to design out crime.

## Policy CS5 – Housing Distribution

This Policy seeks to ensure that new development is focussed in the most appropriate locations, where housing is distributed by settlement hierarchy. Policy CS5 identifies the PUA as having a combined minimum housing requirement of 5,750 dwellings, of which the Lubbethorpe Sustainable Urban Extension shall provide 4,250 dwellings, and this should be considered in the context of existing completions and commitments. At 1 April 2023, 7,076 houses have been built or are committed to be built within the Principal Urban Area, some 1,328 dwellings over the minimum requirement set out in the Local Plan Core Strategy. However, only 2,596 have been completed so far in the Local Plan period, representing a shortfall in completions. Furthermore, the Council cannot demonstrate a five year supply of land for housing and the proposal would contribute to housing supply in a location where development is acceptable in principle.

## Policy CS7 – Affordable Housing

Policy CS7’s strategic objective is to ensure that new housing developments provide the appropriate quantity and mix of housing for the District’s current and future needs.

Policy CS7 states that where financially viable, new housing developments of 15 or more dwellings should provide a minimum of 25% of the total number of dwellings as

affordable housing in order to meet those needs. As this application is for less than 15 dwellings it does not reach the threshold set out in Policy CS7. It is a material consideration that the application proposal is for 100% of the dwellings to be affordable going beyond the requirements of this policy.

#### Policy CS8 – Mix of Housing

Policy CS8's strategic objective is to ensure that new housing developments provide the appropriate quantity 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. Blaby District Council's Housing Strategy Officers have commented on the proposal and this is set out further in the report.

#### Policy CS10 – Transport Infrastructure

Policy CS10 seeks to ensure that appropriate measures are taken to mitigate the transport impacts of new development. This Policy seeks to encourage the use of more sustainable forms of transport (including walking, cycling and public transport).

#### Policy CS11 – Infrastructure, Services and Facilities to Support Growth

Policy CS11 seeks to ensure that all new development is supported by good access to infrastructure, services and facilities and to maximise sport and recreation opportunities in order to meet the growing needs of the District's population.

#### 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 accordance with the Council's latest Planning Obligations and Developer Contributions SPD. This development is for 13 Dwellings and as such, contributions have been requested in regards to Public Open Space, Education, Libraries & the NHS Clinical Commissioning Group to fund GP Practices.

#### Policy CS15- Open space, sport and recreation

This Policy states that existing open space, sport and recreation facilities will be protected, and where possible enhanced. Where development is proposed on existing open space, sport and recreation facilities, land should not be released, either in total or in part unless it can be demonstrated that:

- (i) It is surplus to requirements for its current play and open space function; and
- (ii) It is not needed for another type of open space, sport and recreation facility; or,

- (iii) Alternative provision of equivalent quantity, quality and accessibility, or better, can be provided in the local area.

Part of the application site is an informal open space so Policy CS15 does apply to this site.

The proposal would result in the loss of the small area of informal open space to accommodate the 13 affordable dwellings. This loss of open space has been assessed further within the report.

#### Policy CS19 – Bio-diversity and geo-diversity

This Policy seeks to maintain / extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. These networks should be protected from development. Where development in these areas cannot be avoided, the networks of natural habitats should be strengthened by or integrated within the development. The Council recognises that networks cross Local Authority boundaries, so will work with partners to ensure their maintenance and enhancement. The proposal would include the loss of a building where there is potential for roosting of bats and this is discussed in more detail within this report.

#### Policy CS20- Historic Environment and Culture

Policy CS20 expects development to preserve or enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by the development. The proposal would include the loss of a building which falls within the historic curtilage of a nearby listed building of no.252 Braunstone Lane. This is assessed within the report.

The development site is also in proximity to the Braunstone Conservation Area (within Leicester City). Consideration is currently being given by Officers as to whether a conservation area should also be designated within part of Braunstone which falls within Blaby District. A Character Appraisal has recently been prepared by Leicester City Council on behalf of Blaby District Council to support the potential designation of a conservation area for the historic village of Braunstone on the southern side of Braunstone Lane. However, no decision has yet been made by the Council to commence formal public consultation on a new conservation area. As such, it is considered that the weight which should be given the emerging conservation area is very limited.

#### Policy CS21 – Climate Change

This Policy seeks to support new development which mitigates and adapts to climate change. New development should be focussed in the most sustainable locations in

accordance with Policies CS1 and CS5 and use sustainable design principles which reduce energy demand and increase efficiency.

#### Policy CS22 – Flood Risk Management

This Policy seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations at the lowest risk of flooding within the District, using sustainable drainage systems (SuDS) and managing surface water run off. The development is located within Flood Zone 1 and Leicestershire County Council as Lead Local Flood Authority has not objected to the proposal subject to an appropriate condition regarding surface water drainage.

#### Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 requires that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development and planning applications that accord with the policies in the Local Plan Core Strategy will be approved without delay, unless material considerations indicate otherwise.

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

#### Policy – DM1 Development with the Settlement Boundaries

This policy relates to development within the Settlement Boundaries and states that development proposals consistent with other policies of the Local Plan will be supported provided the development is compliant with the criteria relating to design considerations and the relationship with other nearby uses.

#### Policy DM4 – Connection to Digital Infrastructure

This policy seeks to deliver digital infrastructure, services and facilities required to meet the needs of the population.

#### Policy DM8 – Local Parking & Highway Design Standards

This Policy requires that new development will be required to provide an appropriate level of parking and servicing provision and accord with the highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance. In amendments to the plans, the applicant has sought to follow the Local Highway Authority's advice to provide an access into the site which would be capable of adoption.

## Policy DM12 - Designated and Non-designated Heritage Assets

This policy echoes Policy CS20 of the Core Strategy where it requires development to preserve or enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by the development. The proposal would include the loss of a building which falls within the historic curtilage of a nearby listed building of no 252 Braunstone Lane. This is assessed within the report. The development site is also in proximity to the Braunstone Conservation Area (within Leicester City) and consideration is being given to a prospective conservation area in Blaby District.

## Policy - SA5 Key Employment Sites and Other Existing Employment Sites

Policy SA5 seeks to protect employment sites from being lost to non-employment uses. The application site is not a Key Employment Site but is in employment use and the application proposes to remove this use from part of the site. In relation to such employment sites, the policy requires applicants to demonstrate that:

- i) The property is vacant and has been the subject of genuine marketing for use classes B1, B2 and B8 for at least 6 months, at reasonable market values, and which has proved unsuccessful;
- ii) The site is no longer capable of meeting modern business needs; and
- iii) The change of use would result in demonstrable 'environmental' benefits to the immediate area.

## **Planning Obligations and Developer Contributions Supplementary Planning Document (2010)**

This document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to a new development.

## **Housing Mix and Affordable Housing Supplementary Planning Document (2013)**

This document outlines Blaby District Council's strategy for securing relevant and appropriate housing in terms of mix and affordable provision.

## **Material Considerations**

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

- The principle of the development
- The impact on residential amenity
- The impact on the character and appearance of the area
- The impact on Local Heritage Asset
- Loss of Informal open space
- Parking provision and Highways safety
- Housing mix and affordability
- Ecology
- Developer contributions and Section 106 Agreements
- Loss of employment space

### **The principle of the development**

Policy CS1 sets out the spatial strategy for new development in the District, with most new development, including housing, taking place within and adjoining the Principal Urban Area of Leicester (the PUA). The policy requires at least 5,750 houses to be provided within and adjoining the PUA during the Local Plan period. As referenced earlier in the report, only 2,596 had been delivered in the PUA within the Local Plan period (since 2006) as of 31 March 2023, with only 6 years of the plan period remaining. In addition, the Council announced in September 2023 that it could only demonstrate a housing land supply position of 3.69 years, meaning the policies of the Local Plan relating to housing provision are out of date and paragraph 11d of the NPPF is engaged. This means the Council should grant permission for housing development unless the policies of the NPPF that protect assets of particular importance (including designated heritage assets) provide a clear reason for refusing the development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole (referred to as the tilted balance).

As the application site is located in Braunstone Town, within the PUA which is considered to be a sustainable location for new development, there is already a presumption that development in this location is acceptable in principle. The development would benefit the Council's housing supply position in a modest way by providing 13 affordable dwellings in a sustainable location. The impact of the development on designated heritage assets and whether this provides a clear reason for refusing the development is discussed further later in the report.

## **The impact on residential amenity**

Policy DM1 of the 'Delivery DPD' supports new development within settlement boundaries where proposals are consistent with certain criteria. This includes requirements for new development to have satisfactory relationships with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, considerations of privacy, light, noise disturbance and overbearing effect.

The neighbouring properties to the proposal would be numbers 27, 29, 31, 33, 35, 37, 39, 41, 43 and 45 Avon Road to the southwest and northwest of the application site. Other neighbouring properties include numbers 5, 7 and 9 Bidford Road to the northwest and north of the proposed site along with numbers 11, 13, 15, 17, 19, 21, 23, 25 and 27 Balmoral Drive.

Plots 1, 2, 3, 4, 5, 6, 7 and 8 are predominantly matching two storey semi-detached properties (plots 2 and 3 are two storey terraced dwellings between plots 1 and 4). These plots would be sited to the eastern section of the application site which would border the neighbouring residential properties on Balmoral Drive and numbers 27, 29, 31 and 33 Avon Road. The proposed plots would have rear gardens backing onto existing rear gardens on Balmoral Drive but allow for a sufficient separation distance of approximately 30 metres from the proposed new dwellings themselves to the neighbouring properties. The neighbouring properties of 27, 29, 31 and 33 Avon Road would border with Plot 1 with a separation distance of approximately 27 metres.

Plots 9 & 10 are maisonettes, which would be located to the centre of the site bordering the existing commercial site. As such the nearest residential property boundary is approximately 13 & 16 metres away (numbers 33 and 35 Avon Road) and approximately 25-30 metres from these residential dwellings themselves. Therefore, it is considered that the separation distance is sufficient.

Plots 11 and 12 back and side onto the neighbouring properties of 39, 41, 43 and 45, Avon Road and 5, 7 and 9 Bidford Road. Due to the adequate sized gardens and single storey nature of these bungalows, it is considered that the impact upon these neighbouring residential properties would be minimal.

Plot 13 is proposed to be a single storey bungalow located to the front of Avon Road, with the proposed new access road to be located to the side of this property which would lead further into the site. The nearest neighbouring properties to plot 13 are the residential properties of 33 and 35 Avon Road. Plot 13 would be sited approximately 10 metres from the neighbouring property of no 33 Avon Road and would be sited approximately 1.5 metres from the neighbouring property of no 35 Avon Road. However plot 13 is a single storey bungalow and along with the appropriate separation distance, it is considered this plot would not significantly harm the amenity of nearby residential properties.

As such, due to the adequate siting, separation distance and single storey nature of the bungalow, it is considered that there would be no significant adverse impacts caused to the neighbouring residential amenities. Conditions restricting further openings or extensions and additions, along with the provision of obscure glazing to certain sensitive elevations, along with finished land levels /floor levels are considered necessary and appropriate in order to reduce any unacceptable impact on privacy of neighbouring occupiers.

### **The impact on the character and appearance of the area**

Policies DM1 of the Delivery DPD and CS2 of the Core Strategy require new development to respect local character and have a satisfactory layout, design and external appearance.

The proposal seeks to include a new access from Avon Road and would seek to erect 13 dwellings on an area partly used as informal open space and would also remove a historic milking shed which is historically within a curtilage of a nearby listed building (which is now located within a curtilage of the adjacent commercial estate). As such, the area is characterised by open green land closest to Avon Road, with an area of concrete hardstanding (current car park) and the building of the milking shed itself on the northern part of the site.

The wider area consists of post war residential estate of Avon Road, Balmoral Drive and Bidford Road which is characterised by a mixture of bungalows and two storey semi-detached properties and detached properties.

There have been amended plans received throughout the course of the application altering the layout and the reduction in the amount of residential units. The proposed layout and character, comprising some frontage landscaping (alongside off street parking) and a mixture of brick for the dwellings would positively give the new estate its own character.

Due to the layout, with the access road leading down to plots 7 and 8, views through to the listed building at no.252 Braunstone Lane would be possible. These impacts are discussed further below. However, overall, it is considered that the proposal would integrate well with the existing residential estate and would not significantly harm the character of the area.

### **Housing mix and affordability**

Blaby District Council's Housing Strategy team supports the application on the basis that the District has an essential need for new affordable dwellings. The Blaby Housing Needs Assessment 2021 suggests a need for 399 additional affordable properties to be provided per annum until 2039.

Given that the average number of overall housing completions in Blaby per year has averaged 373 dwellings over the last 17 years (from 2006/2007 to 2022/2023), it is clear that requiring 25% affordable housing on market-led housing schemes (in line with Policy CS7) will not be sufficient to address the District's affordable housing need alone (given the affordable housing need is more than the average total of housing completions of any tenure), and 100% affordable schemes are needed to increase affordable housing supply.

The Housing Strategy team indicate that there is a recognised, measurably high and pressing need for affordable housing in the parish of Braunstone Town in particular, noting that whilst the proposed development will be available to households from across the District, people with a connection to Braunstone Town make up greater than a quarter of the current housing register and over a quarter of those in the highest Page 25 needs band. The housing officers specify that the housing mix for the proposal, consisting of 2x 1 bed flats, 4x 2 bed houses, 4x 3 bed houses, 3x Bungalows, is supported and is particularly required for the parish of Braunstone Town.

### **Impact on local heritage assets**

As part of the proposal, a curtilage listed building would be required to be demolished to make way for several proposed affordable dwellings. The building in question is an early 20th century milking shed which (due to the close distance and historical layout of the site) would have formed part of the historic curtilage of the nearby grade II listed building of no 252 Braunstone Lane which itself is an historic 16/17th Century farmhouse. In addition to this, as part of the proposal there would be a partial loss of the open land surrounding the former milking shed which historically would have been used as part of the farm and contributes to the former agricultural setting of the manor house of 252 Braunstone Lane.

This loss of the surrounding land would further add to the cumulative loss of the former farmhouse's curtilage which has previously been eroded by the existing commercial estate (where previous farm buildings have been lost to the present commercial units). As such, the loss of the curtilage listed building and the presence of new built development within the surrounding land would cause harm to the setting of the designated heritage asset of 252 Braunstone Lane. This was a view shared by Leicestershire County Council's Principal Historic Buildings Officer who was originally consulted on the application in 2021. Following the Judicial Review decision, the District Council's own Principal Planning and Conservation Officer (who was not in post at the time of the original committee decision) has also been consulted and has undertaken a site visit.

Paragraph 205 of the National Planning Policy Framework 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 206 requires any harm or loss of significance of a designated heritage asset to have clear and convincing justification.

The Principal Historic Buildings Officer commented that the former milking shed which is proposed to be demolished does not contain any original internal features of possible interest and that the level of harm to the principal listed building that would arise from the proposal would be less than substantial. Externally, the building does not contain many original features of interest either with replacement roofing materials and doors installed, along with new guttering which has caused detrimental impacts to the historic fabric.

Following the Judicial Review of the original decision which found that members of the Planning Committee had been misled by being advised that the condition of the curtilage listed building was not a material consideration, the applicant has been asked to commission a Structural Building Report. This has been carried out by GCA Consulting and submitted to the District Planning Authority and is available to view on the Council's website. The report concludes that the building is in generally good condition and appears weathertight, although notes that climbing plants are beginning to ingress to the northwest side.

The Structural Building Report also considers the question of whether there is evidence of wilful neglect, as Paragraph 202 of the NPPF indicates that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The report concludes that from a site visit and based on the surveyor's experience of a large number of similar structures, there are no signs of wilful neglect of the building, with it currently being in adequate condition, notwithstanding the routine maintenance that would be required in coming years if it were to be retained.

The District Council's Principal Planning and Conservation Officer concurred that there did not appear to be any obvious indications that the building was at risk. He also indicated that it would be unreasonable and difficult to sustain a justifiable position that the applicant has deliberately neglected the condition of the building.

Regarding the setting of the listed building, it is noted that the setting of no.252 Braunstone Lane has changed substantially over time with modern commercial buildings having been erected within its original curtilage, and modern residential properties surrounding the site. The original curtilage has been subdivided which has eroded the original character and setting of the building such that the curtilage no longer plays such an important role in the significance of the listed building that it once did, and the building is now surrounded by modern commercial and residential properties.

Paragraph 208 states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate,*

*securing its optimum viable use*". In this case, the benefits of providing 13 affordable units in a location where there is significant affordable housing need and few opportunities or sites to provide new affordable housing due to the urban, built up nature of Braunstone Town, are considered to offer significant public benefits in favour of the development.

In considering the harm of the demolition of the former milking shed, it is noted that the curtilage listed building has been significantly altered both internally and externally and is no longer viewed as part of the curtilage of the original farmhouse. It is also considered that the setting of the listed building has been eroded by other modern development in its vicinity. These factors have impacted on the significance of the building in question. Although the building is in adequate condition and there are no obvious structural defects, it is the lack of significance noted above which is the influencing factor in considering its retention value. Furthermore, when considering the public benefits of providing affordable housing in this location, this would be sufficient to outweigh the less than substantial harm caused by the demolition of the milking shed and development within the setting of 252 Braunstone Lane.

In addition to the proximity to the listed building, the development site is also within the vicinity of the Braunstone Conservation Area (which is entirely within Leicester City's administrative area with the boundary on the opposite side of Braunstone Lane). However, given the boundary of the conservation area is defined by mature trees along the north side of Braunstone Lane, which provide substantial screening, and the proposed development (which is in excess of 70 metres from the conservation area boundary) would only be glimpsed at a distance along the existing commercial estate access drive, it is not considered that the proposal would cause harm to the setting of the Braunstone Conservation Area. As noted earlier in this report, there are emerging proposals for a potential conservation area south of Braunstone Lane (in Blaby District), but this is still at an early stage and as such very limited weight should be given to this.

### **Loss of Open Space**

Policy CS15 is of importance for the development as part of the application site is identified as an area of informal open space. The Policy seeks to ensure that all residents have access to high quality, accessible open space, sport and recreation facilities. As the proposal would be removing an area of informal open space for 13 dwellings, the proposal would be contrary to Policy CS15. The applicant submitted an Open Space Statement email (dated 09 December 2021) to help demonstrate that their justification for the loss of the informal open space complies with Policy CS15.

Policy CS15 states that existing open space, sport and recreation facilities will be protected, and where possible enhanced. Where development is proposed on existing open space, sport and recreation facilities, land should not be released, either in total or in part unless it can be demonstrated that:

- (i) It is surplus to requirements for its current play and open space function; and
- (ii) It is not needed for another type of open space, sport and recreation facility; or,
- (iii) Alternative provision of equivalent quantity, quality and accessibility, or better, can be provided in the local area.

The open space in question is a small, narrow strip of land located to the rear of the bungalows at 37-45 Avon Road. It appears to have primarily served as a shared amenity area for these bungalows, which were originally Council properties, and benefit from only small rear gardens themselves. The site is accessed via a gate on Avon Road. This site, together with a similar site behind bungalows on the opposite side of Avon Road, appear as 'informal' open space in Blaby's Open Space Audit, carried out in 2015

Within the Open Space Statement email the applicant identified that within the Council's Open Space Audit (2015) the informal open space was rated a score of 2 out of 5 and was therefore 'below average' quality. The informal open space is an "L" shape which wraps around the rear of the bungalows of nos. 35-45 Avon Road. The informal open space is not easily accessible, with an access gate from Avon Road (although earlier Google Streetscene images suggest the gate was not padlocked) with the majority of the open space not being visible from the public street scene.

The applicant has also indicated that there are better quality parks and areas of formal open space within walking distance of the site that the future occupants and local residents could use. These include Shakespeare Park (which is 230 metres walking distance from the application site), Braunstone Park & Franklin Park (within approximately 550 metres walking distance), along with Mossdale Meadows being sited within 460 metres walking distance. As such, it is considered that the informal space is not of high quality and that there are more appropriate alternatives within nearby walking distance and as such is surplus to requirements for its current purposes.

Furthermore financial contributions are sought under Policy CS12 of the Local Plan Core Strategy which can be used for the provision, enhancement and maintenance of open space in the Parish to meet the increased need from the additional residents of the proposed dwellings. As such, it is considered that the proposal would comply with Updated Core Strategy Policy CS15 of the Local Plan Delivery DPD.

### **Parking provision and Highways safety**

Policy DM8 of the Delivery DPD requires new development to provide an appropriate level of parking and meet highway design standards set out in the most up-to-date Leicestershire Local Highway Guidance.

Several letters from residents raised issues of local parking/traffic problems in the immediate area, exacerbated by the traffic associated with the nearby area.

The scheme proposes two off street car parking spaces for each dwelling. This level of car parking is considered acceptable as it conforms to Highways Standing Advice. In initial plans submitted, the proposed access to the site was a private road, which was not built to standards which would make it suitable for adoption by the Local Highway Authority. However, through various revisions to the drawings, the applicant has amended the proposed access to create a road which would be capable of meeting the Local Highway Authority's standards for adoption. Private drives would then extend further into the site to provide access to plots 11 and 12, and plots 5 to 8.

The provision of a road built to adoptable standards would also provide suitable access for the District Council's own fleet of refuse and recycling collection vehicles, as well as other larger vehicles, and drawings have been provided to demonstrate how vehicles could turn within the site in order to exit the site in a forward direction. The District Council's Neighbourhood Services team raised objections to the initial plans due to concerns about how the site could be serviced by refuse and recycling collection vehicles.

In relation to the amended drawings, Neighbourhood Services has confirmed that they will rely on the Local Highway Authority confirming that they would be happy to proceed with adoption based on the new plans, and has commented that if the road was not adopted this would leave the potential for liability disputes regarding road surface damage or maintenance. Additional concerns were raised regarding the vehicle turning point, with the preference being for a hammerhead type turn. However, they have acknowledged the lack of space and flexibility for this in the plan and advised that there are other control measures within their risk assessments to mitigate concerns from a safety perspective.

Following the amended site layout plans. The Local Highway Authority now raises no objections to the proposed development. Whilst the LHA has not specifically confirmed that the road would be adopted, this would ordinarily be dealt with under Section 38 of the Highways Act 1980. However, the LHA has confirmed that the access would meet the Local Highway Authority's standards in principle and that a refuse vehicle would be capable of accessing and turning within the site. As such, it is considered that it would be possible for the District Council's Neighbourhood Services team to access the dwellings to collect waste and recycling.

## **Ecology**

Policy CS19 of the Core Strategy seeks to protect the District's natural environment. Leicestershire County Council's Ecologists initially objected to the submitted bat survey due to the lack of an emergence survey and a query regarding the number of surveyors assessing the application site. However, an amended bat survey and emergence surveys were submitted to which LCC Ecology raised no objections subject to appropriate conditions (to incorporate bat boxes within buildings). As such, it is considered that the proposal would conform to Policy CS19 of the Blaby District

Council Local Plan (Core Strategy) 2013. Due to the period of time since the bat surveys were carried out (May and June 2021), it is however, considered appropriate to require resurvey prior to any demolition.

The proposed development is not required to provide a mandatory 10% Biodiversity Net Gain (BNG) as it was submitted before BNG became mandatory for major developments. However, it is nevertheless still a requirement of the NPPF that developments provide a measurable net gain for biodiversity post development. The Preliminary Ecological Appraisal suggests that native species planting could be used to increase biodiversity on site if incorporated into proposals. It also suggests the installation of bird nest boxes as there was some habitat on site suitable for nesting birds. Whilst the net gain which could be achieved is not quantified, the Preliminary Ecological Appraisal recognises that the existing habitats on site are generally of limited botanical interest and poor species diversity and the recommended native tree planting would mitigate for any biodiversity loss, including to a small section of hedgerow to be lost.

### **Developer contributions and Section 106 Agreement**

Policy CS12 of the Core Strategy seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document (2010). This application is for 13 affordable dwellings and as such, would meet the threshold for developer contributions.

A request for funding towards education and libraries was subsequently received from Leicestershire County Council. The NHS Clinical Commissioning Group has also made a request for contributions towards local GP services. In addition to this, the Council has requested an off-site open space contribution to meet the increased demand for open space facilities which will result from future occupiers of the new development.

In addition to this, your Officers also consider that in order to recommend this application favourably there needs to be a mechanism put in place to ensure that the dwellings to be provided are genuinely "affordable units" and should remain so thereafter. That mechanism is proposed to be a Section 106 Agreement with the applicants/developer to ensure that the dwellings are constructed as affordable units. The Section 106 agreement will also be used to secure the contributions to meet increased demand for education, library and health care services, and the contribution to fund off-site open space improvements.

### **Loss of employment space**

Policy SA5 seeks to protect employment sites from being lost to non-employment uses. The application site is not a Key Employment Site but is in employment use and

the application proposes to remove this use from part of the site. For 'Other Existing Employment Sites', Policy SA5 requires the applicant to demonstrate that:

- i) The property is vacant and has been the subject of genuine marketing for use classes B1, B2 and B8 for at least 6 months, at reasonable market values, and which has proved unsuccessful;
- ii) The site is no longer capable of meeting modern business needs; and
- iii) The change of use would result in demonstrable 'environmental' benefits to the immediate area.

The application would involve the loss of the former milking shed which was previously used for storage of painting supplies. The applicant has stated within the "Policy SA5 compliance statement" that the structure is not fit to contain an employment use as the building is in a poor state of repair and that the only suitable use is for storage of non-perishable goods. As shown within the Policy SA5 compliance statement and built heritage statement, the internal photos show the building to not contain any modern utilities for modern employment needs. The applicant has not submitted a marketing report for the building and as such, have not shown that the building has been suitably advertised for a minimum of 6 months. However, it is considered that the building is not suitable for large scale employment uses and as such, the loss of the building would not significantly harm the employment stock for the district.

### **Other matters**

Other concerns were raised in regards to Construction Disturbances. A condition will be imposed to finalise details of the construction methodology to ensure that minimal disturbances are caused to the local residents.

Further to this, issues were raised from local residents in regards to noise and air pollution, which has been reviewed by the Environmental Health Department who have raised no objection to the pollution aspect of the application.

Objections have been received in regards to the proposal devaluing and harming the view from the neighbouring properties. However, these are not planning considerations and have not been assessed as part of the application.

### **Conclusion and Planning Balance**

The application proposes the provision of 13 dwellings within the settlement boundary of Braunstone Town where such development will be supported subject to it being consistent with the policies of the Development Plan, unless material considerations indicate otherwise. It is acknowledged that the Principal Urban Area has met and exceeded its minimum housing targets (taking into account housing completions and commitments). However, it is also recognised that these are minimum targets and the provision of 13 additional units would not undermine the Development Plan strategy and would assist in the District retaining a supply of available sites for new , particularly

given the Council is currently unable to demonstrate a five year supply of land for housing.

Furthermore, there is a need for additional affordable dwellings in the District, particularly in Braunstone Town and all 13 dwellings will be socially rented units. Given the lack of allocated sites or alternative brownfield sites within the parish of Braunstone Town, the likelihood of other 100% affordable schemes coming forward is considered to be low. Furthermore, due to the built up nature of Braunstone Town, the likelihood of affordable housing being delivered as part of market-led schemes is also considered to be low. It is therefore considered that the affordable nature of the proposed dwellings is a significant benefit of the proposal.

It is acknowledged that the proposal would remove a small area of informal open space thus being contrary to Policy CS15. However it is considered that the applicant has justified the loss of the informal open space due to its poor quality and being surplus to requirements, and easy access to other nearby parks and open spaces.

In addition to this, it is recognised that the loss of the curtilage listed building would cause harm to the historic curtilage and setting of the Grade II listed building of 252 Braunstone Lane. However, this harm, along with the impact of new development within the setting of 252 Braunstone Lane, is considered to be less than substantial and your Officers consider that this harm would be outweighed by the benefits of affordable housing provision in a location where there is significant need.

The proposal would also see the loss of an existing employment site from unit 4 which is proposed to be demolished to make way for the proposed dwellings. The applicant has not submitted an adequate 6 month marketing report although it is noted that unit 4 which was previously in use by a local business which stores paint supplies has recently vacated the building since the application was previously considered by the Planning Committee. Furthermore, it is considered that this employment space is not suitable for most modern standards and as such it is limited in its possible future use.

Taking into account the overall planning balance it is considered that there is a strong need for affordable units within the District and Braunstone Parish itself. This along with the appropriate design and layout of the scheme which brings into use an infill site, would outweigh the harm to the nearby listed building and loss of informal open space and employment space.

It is for these reasons that your Officers are of the view that the proposal (in its revised form) is acceptable and accordingly it is recommended that planning permission be granted subject to the applicants entering into the required Section 106 legal Agreement and subject to the imposition of the stated conditions.

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**21/1110/LBC**

**Registered Date  
15.09.2021**

**Venture Properties Group**

**Demolition of existing building**

**Land To Rear Of 27 To 45, Avon Road, Braunstone Town  
Leicestershire**

**Report author: Tom White, Senior Planning Officer  
Contact Details: Council Offices. Tel 0116 250 3078**

**RECOMMENDATION:**

**THAT APPLICATION 21/1110/LBC BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. 3 year time limit
2. Approved plans
3. Materials to be removed from site
4. Construction and demolition plan to be submitted and agreed (matching condition for application 20/1373/FUL).
5. Demolition of listed building conditional on any planning permission granted in 20/1373/FUL being implemented.

**NOTES TO COMMITTEE**

This application relates to the demolition of a curtilage listed building and is required to implement the development proposed in planning application 20/1373/FUL (Erection of 13 dwellings with associated infrastructure, landscaping and access), which is also under consideration at this Planning Committee meeting.

This application was previously considered by the Planning Committee on 7<sup>th</sup> April 2022, with a resolution to grant listed building consent subject to the conditions set out in the report. The decision notice was subsequently issued on 28<sup>th</sup> October 2022.

However, the decision was challenged in the High Court on four grounds as follows:

Ground One: The Officers Reports in respect of both applications significantly misled the Planning Committee by failing to consider paragraph 196 of the National Planning Policy Framework (“NPPF”) which states that evidence of deliberate neglect or damage to a heritage asset should not be taken into account in any decision.

Ground Two: The Officers Reports significantly misled the Planning Committee by failing to apply section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).

Ground Three: Members were significantly misled by being told – at the Planning Committee meeting - to disregard, or instructed that they could give no weight to, an emerging Conservation Area designation which would include the Site.

Ground Four: A member of the Council's Planning Committee, was erroneously told that he could not determine the applications on the basis of purported predisposition.

A Judgement was issued on 15<sup>th</sup> September 2023. The Judicial Review claim succeeded on grounds 1 and 4 and failed on grounds 2 and 3. The grant of planning permission and listed building consent for the demolition of the old milking shed were therefore quashed, meaning the applications are required to be redetermined.

### **Relevant Planning Policy**

#### **National Planning Policy Framework (2023)**

#### **Planning Practice Guidance**

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

Policy CS2 – Design of new development

Policy CS20 - Historic Environment and Culture

Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development within the Settlement Boundaries

Policy DM12 – Designated and Non-designated Heritage Assets

### **Summary of Consultation Responses**

**Blaby District Council, Environmental Health** – has raised no objection subject to appropriate conditions.

**Blaby District Council, Principal Planning and Conservation Officer** – made comments on the application following the Judicial Review decision. Comments that it is difficult to demonstrate that the curtilage listed building has been deliberately neglected given that it appears structurally sound and doesn't appear to be showing any accelerated signs of decay. Comments that some of the issues such as ivy growth were apparent back in 2007. Considers that the condition of the former milking parlour is a material consideration to be addressed in the consideration of the application. Recommends that the applicant provides a building condition survey by an accredited conservation-led surveyor in advance of taking the application to Planning Committee to demonstrate that this matter has been given full consideration.

**Braunstone Town Council** – Has stated the following:

*Braunstone Town Council recommends that the following conditions should be applied in the event of any approval:*

- (a) no demolition to take place unless the associated planning application 20/1373/FUL, referred to in the reason for making the Listed Building Consent Application, was approved;*
- (b) in respect of (a) above, demolition must be necessary to facilitate the development and evidenced in a construction method statement submitted as part of application 20/1373/FUL; and*
- (c) in the event that the application 20/1373/FUL was rejected, no demolition nor any further external alterations being permitted to any building within the curtilage of 254 Braunstone Lane without a specific Listed Building Consent application being submitted and approved.*

*Reasons:*

*While the building subject to this application was a 20th Century construction with little heritage value, 254 Braunstone Lane itself was a Grade 2 listed building; therefore:*

- (a) a full heritage impact assessment would need to be carried out on the impact of the proposed development (20/1373/FUL) on the heritage assets and local distinctiveness of Braunstone Village, including the impact resulting from any demolition of the building identified in this Listed Building Consent Application, in order to ensure the protection of these heritage assets;*
- (b) to avoid any adverse impact on the listed buildings of Braunstone Village from construction, vibration and heavy machinery and to ensure the preservation of these heritage assets; and*
- (c) to ensure that design solutions would preserve and enhance the heritage and local distinctiveness of Braunstone Village.*

**Historic Buildings & Places (formerly the Ancient Monuments Society)** - Agree that the historic interest of the building is low, given the alterations, the lack of any original internal fixtures or fittings associated with the former dairy use, and the loss of context as a result of surrounding development. Nevertheless, the building appears structurally sound and the applicant is encouraged to consider retaining and adapting the existing building to provide a more diverse and interesting range of houses.

**Historic England** – has raised no objections

**Leicestershire County Council, Archaeology**- have stated that the proposal would not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

**Leicestershire County Council, Ecology** - Have raised no objections to the revised bat survey.

**Leicestershire County Council, Principal Historic Buildings Officer**- has stated that the demolition of the listed curtilage structure will result in the total loss of the

significance of the designated heritage asset (the curtilage listed building) and will be detrimental to the setting of and significance of the adjoining listed building and the wider setting of a designated conservation area. The level of harm is considered to be less than substantial. Given the great weight that must be given to the conservation of designated heritage assets, the Principal Historic Buildings Officer advises that consideration should be given to whether the actual, site specific harm that will be caused to the significance of the designated heritage asset will be overridden by non-generic public benefits (such as whether there is a demonstrable need for affordable housing in the area that cannot be practically met by a revised layout or on another site outside the curtilage of a listed building).

### **Third Party Representations**

116 letters of objection have been received in regards to:

- Loss of historically important building/ Loss of nearby historical milking sheds
- Harm to nearby Grade II Listed Building
- Harm to Archaeological Site
- Traffic Disturbances/ Increase in Traffic
- The proposed housing estate not in character with the surrounding area
- Loss of privacy
- The Archaeological statement being out of date
- National requirements of Listed Building Consent not being followed
- Building being of Historical importance
- Not wanting an affordable housing estate
- Harm to parking provision of area
- Harm to local wildlife
- Objecting to the planning application
- Access is too dangerous
- Increased pollution
- Increased social problems
- Near a school
- Plenty of other areas to build
- Loss of employment site/ employment building being in good condition
- Devaluing nearby residential properties
- Noise pollution/ noise arising from development
- Overlooking onto Neighbouring properties
- Impacting a local member of the communities business
- Harm to nearby roosting bats
- Other applications relating to the application site
- Higher levels of pollution
- Drainage
- The application being for housing association
- The proposed building to be demolished being in good state
- Area used as an industrial unit
- Already large housing developments in other areas
- Existing tenant of building to be demolished would have to find new premises
- Loss of existing vegetation

- Erection of two shipping containers on site
- Increase in anti-social behaviour
- The proposed development being visually unattractive
- Incorrect heritage statement/ lack of justification for the loss of the curtilage listed building
- No marketing report submitted
- Previous planning application
- Lack of public benefits

### **Relevant History**

91/1246/1/RV	Retention of warehouse distribution and related retail use.	Approved 06.01.1992
01/0634/1/VY	Variation of condition 1 attached to planning permission 91/1246/1/RV to allow the storage and distribution (Class B8) use to be operated by a user other than Parkers Agricaid Ltd	Approved 12.11.2001
07/0768/1/PX	Demolition of existing buildings/structures and erection of 3 office blocks (Class B1) (Revised Scheme)	Approved 15.10.2007
08/0353/1/VX	Removal of Condition 21 relating to planning permission 07/0768/1/PX to allow insertion of mezzanine floors within the office units	Approved 17.06.2008
21/1177/DOC	Application to discharge condition 5 to planning application 01/0634/1/VY	Refused 08.12.2022
20/1373/FUL	Erection of 13 dwellings with associated infrastructure, landscaping and access	Pending Consideration

### **EXPLANATORY NOTE**

#### **The Site**

The application building is located to the northwestern edge of the Settlement Boundaries of Braunstone Town, part of the Principal Urban Area of Leicester. The site is currently a building located within the historic curtilage of the Grade II Listed Building of 252 Braunstone Lane. However, it is not located within the curtilage of the dwelling today but within the curtilage of the neighbouring commercial estate.

The application site itself is forms part of an existing commercial estate which includes part of the original curtilage of a nearby Grade II Listed Building of no 252 Braunstone Lane. The commercial estate is accessed from Braunstone Lane.

## **The Proposal**

The application seeks Listed Building Consent to demolish a curtilage listed building of unit 4, 254 Braunstone Lane. The demolition of the unit would, in part, make way for the erection of 13 dwellings, proposed under application 20/1373/FUL.

## **Planning Policy and Legislation**

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, in considering whether to grant listed building consent for any works, to 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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Although this application is not for planning application, this listed building consent application has been submitted because it is required to implement a planning permission.

### **National Planning Policy Framework**

Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 202 states *“Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*

## **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 environment is achieved in all new development proposals, respecting distinctive local character and providing opportunities to enhance the natural and historic environment. The strategic objectives of this Policy seek to improve the design quality of all new developments in the District including the need to design out crime.

### Policy CS20- Historic Environment and Culture

Policy CS20 expects development to preserve or enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by the development. The proposal would include the loss of a building which falls within the historic curtilage of a nearby listed building of no 252 Braunstone Lane. This is assessed within the report.

The development site is also in proximity to the Braunstone Conservation Area (within Leicester City). Consideration is currently being given as to whether a conservation area should also be designated within part of Braunstone which falls within Blaby District. A Character Appraisal has recently been prepared by Leicester City Council on behalf of Blaby District Council to support the potential designation of a conservation area for the historic village of Braunstone on the southern side of Braunstone Lane. However, no decision has yet been made by the Council to commence formal public consultation on a new conservation area. As such, it is considered that the weight which should be given the emerging conservation area is very limited.

### Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 requires that when considering development proposals, Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development and planning applications that accord with the policies in the Local Plan Core Strategy will be approved without delay, unless material considerations indicate otherwise.

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

### Policy DM1 - Development with the Settlement Boundaries

This policy relates to development within the Settlement Boundaries and states that development proposals consistent with other policies of the Local Plan will be supported provided the development is compliant with the criteria relating to design considerations and the relationship with other nearby uses.

### Policy DM12 - Designated and Non-designated Heritage Assets

This policy echoes Policy CS20 of the Core Strategy where it seeks development to preserve or enhance the cultural heritage of the District, recognising its contribution to local distinctiveness and to seek design solutions which preserve and enhance heritage assets where they are impacted by the development. The proposal would include the loss of a building which falls within the historic curtilage of a nearby grade II Listed Building of no 252 Braunstone Lane. This is assessed within the report. The development site is also in proximity to the Braunstone Conservation Area (within Leicester City) and consideration is being given to a prospective conservation area in Blaby District.

### **Material Considerations**

In determining an application for listed building consent Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the District Planning Authority to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DM12 of the Delivery DPD states that development should seek to avoid harm to the heritage assets of the District. This is echoed by Policy CS20 the Core Strategy which expects development to avoid harming the significance of historic sites, buildings or areas, including their setting.

As part of planning application 20/1373/FUL to erect 13 dwellings off Avon Road, Unit 4 of the commercial estate has been proposed to be demolished. The building in question is an early 20<sup>th</sup> Century Former Milking Parlour which has been identified and assessed to be located within the historic curtilage of the nearby listed building of 252 Braunstone Lane. Curtilage listed buildings and structures benefit from the same legislative protection as the principal listed building to which they relate. 252 Braunstone Lane is a 16/17<sup>th</sup> Century farmhouse which is a Grade II Listed Building. The Former Milking Parlour is sited adjacent to a 19<sup>th</sup> Century Milking Shed which is wedged between the application site and the Grade II Listed Building of 252 Braunstone Lane.

The building forms part of the setting of 252 Braunstone Lane, consisting of the 19<sup>th</sup> Century Milking Parlour and the 20<sup>th</sup> Century Milking Parlour (the application building)

and surrounding land. The rest of the original farming structures and ancillary buildings have been demolished to make way for a commercial estate which predominantly makes up the area today. The two former milking sheds form part of the commercial estate today, with a boundary fence dividing the former milking parlours with the Grade II Listed Building of 252 Braunstone Lane.

It is considered that the total loss of one of the remaining curtilage buildings would harm the setting of the listed building of 252 Braunstone Lane. In addition to this, as part of the proposal there would be a partial loss of the open land surrounding the former milking shed which historically would have been used as part of the farm (which adds to the historic fabric/ character of the manor house of 252 Braunstone Lane). This loss of the surrounding land would further add to the cumulative loss of the curtilage which has previously been eroded by the existing commercial estate (where previous farm buildings have been lost to the present commercial units). As such, the loss of the curtilage listed building and surrounding land would cause harm to the historic curtilage of 252 Braunstone Lane, which the Principal Historic Buildings Officer who was previously consulted on the application has concurred with in his assessment of the proposal.

However, the former milking shed in question contains no original features with a modern roof and guttering which differ from the original features, along with a few of the openings having been bricked up. In addition to this, the Principal Historic Buildings Officer stated that the building does not contain any original internal features of possible interest and that the level of harm that would arise from the proposal would be less than substantial. Furthermore, it is considered that the setting of the Grade II Listed Building has altered over the years, from a farmyard to residential property which used to be attached to the former milking parlours. Over the years the attached buildings have been demolished with a new fence being erected and the former milking sheds have been incorporated into the existing commercial estate. As such, there is now a degree of separation with the original setting having changed over time.

Following the Judicial Review of the original decision which found that members of the Planning Committee had been misled by being advised that the condition of the curtilage listed building was not a material consideration, the applicant has been asked to commission a Structural Building Report. This has been carried out by GCA Consulting and submitted to the District Planning Authority, and is available to view on the Council's website. The report concludes that the building is in generally good condition and appears weathertight, although notes that climbing plants are beginning to ingress to the northwest side.

The Structural Building Report also considers the question of whether there is evidence of wilful neglect, as Paragraph 202 of the NPPF indicates that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The report concludes that from a site visit and based on the surveyor's experience of a large number of similar structures, there are no signs of wilful neglect of the building, with it

currently being in adequate condition, notwithstanding the routine maintenance that would be required in coming years if it were to be retained.

The District Council's Principal Planning and Conservation Officer concurred that there did not appear to be any obvious indications that the building was at risk. He also indicated that it would be unreasonable and difficult to sustain a justifiable position that the applicant has deliberately neglected the condition of the building.

In addition to considering the impact on the principal listed building, the proposed building to be demolished is also within the vicinity of the Braunstone Conservation Area (which is entirely within Leicester City's administrative area with the boundary on the opposite side of Braunstone Lane). However, given the boundary of the conservation area is defined by mature trees along the north side of Braunstone Lane, which provide substantial screening, and the curtilage listed building in question (which is in excess of 70 metres from the conservation area boundary) is only glimpsed at a distance along the existing commercial estate access drive, it is not considered that the loss of the building would cause harm to the setting of the Braunstone Conservation Area. As noted earlier in this report, there are emerging proposals for a potential conservation area south of Braunstone Lane (in Blaby District), this is still at an early stage and as such very limited weight should be given to this.

Paragraph 205 of the NPPF states *"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."* Paragraph 206 states that loss of the significance of a heritage asset *"should require clear and convincing justification"*. Paragraph 208 indicates that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

In this case, there are public benefits in relation to the provision of 13 affordable dwellings which necessitates the demolition of the curtilage listed building. The Council's Housing Strategy team has indicated in their comments on planning application 20/1373/FUL that there is a *'recognised, measurably high and pressing need for further supply of affordable housing in the Parish of Braunstone Town'*. Given the lack of allocated sites or alternative brownfield sites within the parish of Braunstone Town, the likelihood of other 100% affordable schemes coming forward is considered to be low. Furthermore, due to the built-up nature of Braunstone Town, the likelihood of affordable housing being delivered as part of market-led schemes is also considered to be low.

The justification for the demolition of the curtilage listed building is therefore derived from the public benefits of the affordable housing scheme, combined with the aggregated loss of significance of the building since its original construction, resulting from the number of alterations to the building and the erosion of its setting. Although the building is in adequate condition and there are no obvious structural defects, it is

the lack of significance noted above which is the influencing factor in considering its retention value.

The public benefits of affordable housing provision are considered to outweigh the loss of the curtilage listed building and the less than substantial harm to the significance of the Grade II listed 252 Braunstone Lane as a result. However, as the public benefits will only be realised if the development proposed in planning application 20/1373/FUL, if approved, is implemented, it is considered necessary to apply an appropriate condition to allow the demolition of the listed building to only proceed if any development approved in 20/1373/FUL is implemented.

### **Other matters**

Objections were received from the public consultation. Most of the objections were received in regards to the harm of the local heritage assets and loss of curtilage listed building and as such are addressed in the discussion above. Other objections received related to matters concerning the impacts of the development proposed in planning application 20/1373/FUL and therefore cannot be considered as material to this application for listed building consent.

### **Conclusion**

The proposal seeks to demolish a curtilage listed building to 252 Braunstone Lane which is considered to harm the setting and significance of the existing grade II listed building. However due to the lack of historic features of interest to both the interior and the exterior of the building, along with previous wholesale changes to the offsetting of the grade II listed building, and the demonstrable public benefits which the development in 20/1373/FUL would provide (if approved and implemented) it is considered that these factors would outweigh this harm, providing the planning permission in 20/1373/FUL is implemented.

It is for these reasons that your Officers are of the view that the proposal is acceptable and accordingly it is recommended that Listed Building consent be granted subject to the imposition of the stated conditions.

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**23/0740/FUL Registered Date  
30 August 2023**

**Clowes Developments**

**Proposed development comprising the erection of 4 buildings (7687 sq.m. total) to house 8 industrial/warehouse units (Use Class B2 and B8) with associated access, parking and landscaping.**

**Highfields Farm Enterprise Centre, Huncote Road, Stoney Stanton**

**Report Author: Ian Davies, Development Services Team Leader**

**Contact Details: Council Offices. Tel: 0116 272 7688**

**RECOMMENDATION:**

**THAT APPLICATION 23/0740/FUL BE APPROVED SUBJECT TO:**

The applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act to secure the following developer contributions:

- Travel Packs
- Travel Plan Monitoring fee (£11,337.50)

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

1. Statutory time limit.
2. Development to be built in accordance with approved plans.
3. Materials in accordance with approved details.
4. Individual units to be constructed in accordance with the acoustic specifications outlined in the Noise Assessment.
5. Prior to commencement, Construction Method Statement to be submitted, agreed and subsequently adhered to.
6. Approved finished floor levels of Units to be implemented.
7. The Units restricted to uses and activities falling within Classes B2 and B8 only.
8. Hours of use restricted.
9. Approved landscaping to be carried out.
10. Buffer zone and bund to be provided in accordance with the submitted plans and the details contained in the Noise Assessment and thereafter retained.
11. Reporting of any unexpected contamination encountered during construction and any remedial works necessary.
12. Details of surface water management on site during construction to be submitted and agreed.
13. Surface water drainage to be implemented in accordance with submitted details.
14. Prior to development commencing the submission of a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) to safeguard nearby ecological sensitive areas and on-site species/habitats.
15. Prior to development commencing the submission of a Landscape and Ecological Management Plan (LEMP).

16. Prior to development commencing the submission of a Reasonable Avoidance Measures Method Statement (RAMMS) document.
17. Ecological measures to be implemented in accordance with recommendations set out in the approved Ecological Assessment.
18. Trees and hedges to be protected during construction.
19. No unit shall be first occupied until such time that a "Bat Friendly" external lighting scheme has been submitted to, and agreed in writing by, the District Planning Authority and subsequently implemented in accordance with those approved details.
20. Prior to installation CCTV details to be submitted and agreed.
21. No additional mezzanine levels to be installed in any unit without planning permission.
22. No subdivision of any unit hereby approved without planning permission.
23. No external plant or machinery etc. without planning permission.
24. No external work, assembly or fabrication shall be carried out.
25. Fire doors in rear of units to be kept closed unless in use during an emergency and the loading/delivery doors serving each unit shall be kept closed whilst machinery is being operated within the individual unit.
26. An amended framework Travel Plan to be submitted and agreed prior to first occupation of any unit.
27. Internal access road, off street parking (including HGV parking) and turning facilities and cycle parking to be provided in accordance with approved details.
28. No unit to be first occupied until the site access with Huncote Road (and internal footway provision) has been constructed in accordance with the submitted details.
29. No unit to be first occupied until vehicular visibility splays provided at site access in accordance with approved plans.
30. Drainage to be provided to prevent water entering the highway.
31. No gates etc to be provided to the site access.

## **NOTES TO COMMITTEE**

### **Policy and Relevant Guidance and Legislation**

#### **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 CS6 – Employment

Policy CS10 – Transport Infrastructure

Policy CS15 – Open Space, Sport and Recreation.

Policy CS19 – Bio-diversity and geo-diversity.

Policy CS21 – Climate change

Policy CS22 – Flood risk management

Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development within the Settlement Boundaries  
Policy DM3 – Employment Development on Unallocated Sites  
Policy DM8 – Local Parking and Highway Design Standards

### **Fosse Villages Neighbourhood Plan**

Policy FV6 – Design  
Policy FV15 – Employment Areas

### **National Planning Policy Framework (NPPF)**

### **National Planning Practice Guidance (NPPG)**

### **Consultation Summary**

**Blaby District Council, Environmental Services** – The Environmental Services Officer has confirmed that they have no objections subject to the imposition of conditions.

**Environment Agency** – No comments received.

**Leicestershire County Council, Ecology** – Has no objections subject to the imposition of conditions but has commented that on-site bio-diversity net gain has not been demonstrated and recommends that off-site provision should be secured.

**Leicestershire County Council, Highways** – Initially objected on the basis of lack of information and details covering such matters as internal parking layouts etc. Following the submission of additional information, the Highway Authority is not objecting subject to the imposition of conditions.

The Highway Authority has also provided the following comments:

*“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 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.*”

### **Advice to Local Planning Authority**

#### **Background**

*The Local Highway Authority (LHA) has been re-consulted on a planning application at Highfields Farm Enterprise Centre, Huncote Road, Stoney Stanton, for the erection of four buildings (7,687 sq. metres total) to house eight industrial/warehouse units (Use Class B2 and B8) with associated access, parking and landscaping.*

*The LHA previously responded to this application on 13th November 2023, advising that further information would be required to assess the impact of the proposed development on the highway network.*

*The additional information requested was as follows:*

- *TRICS® assessments, or further explanation on the existing TRICS® data, to support the breakdown in HGVs and LGVs;*
- *The data which has informed the modal split calculations;*
- *The actual junction model files used for the junction capacity assessment;*
- *Data from an Automatic Traffic Counter (ATC) survey positioned to the south of the site access to account for the weight restriction to the east;*
- *A plan demonstrating the internal layout of the site which can be scaled, or which has sufficient critical dimensions;*
- *A plan demonstrating the specifications of the proposed Sheffield Stands, or which has sufficient critical dimensions;*
- *Clarification on points within the submitted Travel Plan; and*
- *Confirmation as to whether users of Public Right of Way (PROW) Bridleway V29 could use the 2-metre wide footway along the proposed access road.*

*In addition, the LHA asked the Applicant to consider relocating some of the motorcycle and cycle parking to improve accessibility.*

*The LHA understands that the following documentation has been submitted by the Applicant following the previous highway observations:*

- *Email from the Applicant's agent (dated 22nd November 2023) which has the following attachments:*
  - *'ADC3201-RP-B-v2 Appendix D (003)', containing TRICS® output data;*
  - *'Employment Modal Split (003)';*
  - *'Proposed Site Layout Plan', IMA Architects drawing number 223015-IMA-ST-XX-DR-A-000202;*
  - *'Huncote Road-Occupation Road (Site Access) T junction.j9', containing junction model files; and*
  - *'B581 Broughton Road-Long Street-New Road mini roundabout.j9', containing junction model files.*
- *Email from the Applicant' Transport Consultant (dated 7th March 2024) which has the following attachments:*
  - *'Traffic Flow Diagrams';*
  - *'240306 B581 Broughton Road-Long Street-New Road mini roundabout.j9', containing junction model output data;*
  - *'6208 Stoney Stanton Huncote Road Site Access (0730-08301700-1800) (002)', containing Manual Classified Count (MCC) data; and*
  - *'6208 Stoney Stanton B581 Roundabout (0745-08451645-1745), containing MCC data.*

## **Trip Generation**

### **Proposed development's trip generation**

*The Applicant has noted that an earlier iteration of the TRICS® output data was submitted to Appendix D of the Transport Assessment, and has now submitted the correct version. The LHA welcomes this, and notes that its trip rates concur with those quoted in the Transport Assessment.*

### **Modal split**

*In addition, the LHA welcomes the provision of the output data for the 'WU03EW – Location of usual residence and place of work by method of travel to work (MSOA level)' which corresponds with the table under paragraph 4.8 of the Transport Assessment.*

### **Trip distribution**

*The proposed development's trip distribution is the same as that for previous application 16/1654/OUT. The LHA is content with this.*

*Given the amended trip rates, the LHA is satisfied that less than 30 two-way trips would be routed through the New Street (B581) / Hinckley Road / Station Road (B581) roundabout. Consequently, the LHA would be unable to demonstrate that the proposed development would have an unacceptable impact on this junction in terms of capacity.*

## **Junction Capacity Assessments**

### **Observed flows**

*The Applicant has updated the flow diagrams following identification of some discrepancies in the 'observed flows' diagrams. The LHA has spot checked the amended flow diagrams, and is content that they are acceptable.*

### **Committed developments**

*The LHA continues to be satisfied that no committed development scenarios have been included in the junction capacity models. The LHA notes that the Hinckley National Rail Freight Interchange is currently under consideration. However, even in the event that this was approved, the LHA is satisfied that it would not be in operation before 2028 which is the future model for this application. Consequently, the LHA does not require a sensitivity test for this development.*

### **Junction models**

*The LHA has reviewed the Applicant's junction model files and considers them to be acceptable.*

### **Model results**

*In all scenarios, both the site access junction and the Long Street / Broughton Road (B581) / New Road (B581) roundabout are shown to operate within their practical limits of capacity during both the morning and evening peak hours (08:00 – 09:00 and 17:00 – 18:00 respectively).*

### **Off-Site Implications**

*The LHA notes that the proposed development would add additional Heavy Goods Vehicle (HGV) trips through the Long Street / Broughton Road (B581) / New Road (B581) roundabout during both the peak hours. Based on the accepted trip rates and trip distribution, this is estimated to be three movements in the morning peak hour and one movement in the evening peak hour. Whilst tracking drawings have not been submitted demonstrating HGV movements at this junction, the LHA notes its tight geometry and considers that such manoeuvres would require HGVs to cross the centre-lines whilst turning into and out of Long Street (North).*

*Nevertheless, the LHA also notes from the observed counts that 19 and 11 HGVs turn into or out of Long Street (North) during the morning and evening peak hours respectively, both currently and in the future year (2028) without development. Considering the proportional increase in HGV movements from the proposed development, in conjunction with the junction capacity assessments which demonstrate that the mini-roundabout would operate within practical limits of capacity, the LHA does not consider that an unacceptable impact on highway safety could be demonstrated on this basis the context of paragraph 115 of the National Planning Policy Framework (December 2023).*

### **Internal Layout**

*The 'Proposed Site Layout' drawing (IMA, drawing number 223015-IMA-ST-XX-DR-A-000202) no longer states "dimensions are not to be scaled from this drawing" and therefore the LHA is content with scaling from this drawing.*

*The above drawing indicates that all universal spaces would measure 2.4 metres by 5.5 metres, although it appears that some spaces bound on one side by either a wall, fence, hedge, etc., do not have an additional 0.5 metres added to their width. Nevertheless, the LHA is content that these spaces would still be in accordance with the minimum requirements of Figure 8.19 of Manual for Streets. The LHA is content that the disabled parking spaces would be in accordance with Figure DG13.*

*The LHA continues to note that the proposed locations for motorcycle and cycle parking has not been amended. Whilst this is disappointing, the LHA could not demonstrate an unacceptable impact on this basis alone.*

*As mentioned in the previous highway observations, the Proposed Cycle Shelter & Bin Store Plan drawing (IMA Architects, drawing number 223015-IMA-ST-XX-DR-A-000204) states "dimensions are not to be scaled from this drawing", and no amended plan has been submitted which removes this disclaimer or which contains critical dimensions to demonstrate that Sheffield Stands would be in accordance with Figure DG16 of Part 3 of the Leicestershire Highway Design Guide (LHDG). Nevertheless,*

*the LHA is content for this to be secured by way of condition should planning permission be granted (see 'conditions' section).*

### **Transport Sustainability**

*The email (dated 22nd November 2023) indicates that the Applicant is content to accept a condition requiring an amended travel plan be submitted following any grant of planning permission.*

### **Public Rights of Way**

*The email dated 22nd November 2023 confirms that users of PROW Bridleway V29 would be entitled to use the proposed footway along the access drive. The LHA considers this to be acceptable."*

**Leicestershire County Council, Lead Local Flood Authority (LLFA)** – Has no comments to make in relation to this application.

**Leicestershire County Council, Rights of Way** – The Rights of Way Officer has not made any comments in relation to this application.

**Severn Trent** – Has not provided any comments in respect of this application.

**Sport England** – No objections.

**Stoney Stanton Parish Council** – Objects to this application for the following reasons:

*"Stoney Stanton Parish Council are in opposition to the development and do not consider either the need for the development or any of the mitigations proposed specifically around the water infrastructure or road infrastructure to be sufficient and the detrimental impact this development would have on the village.*

*This planning application is outside of the Local Plans in place that cover the village of Stoney Stanton, the Fosse Villages Local Plan and the Blaby District Local Plan which run until 2029. In both of these plans this land or this application do not form part of it, although this land is in the call for sites for the emerging Blaby District Plan. The Fosse Villages plan does identify the land as suitable for employment use but only on the basis it is not detrimental to the village.*

*The village and the local area are currently subject to significant proposals both inside and outside the district. Examples include the Hinckley National Rail Freight Terminal (HNRFI), Strategic Development Area (SDA) ~5000 homes, Earl Shilton Expansion ~4500 homes, Barwell Urban Development ~2500 homes, as well as multiple sites included within the Stoney Stanton Parish Boundary. Stoney Stanton Parish Council (SSPC) are not opposed to any planning or development but believe that the growth of the village must be done in a controlled manner and not be of detrimental impact. Given the issues already in the village such as road congestion, vehicle pollution, oversubscription to services such as doctors and schools, the growth of the village must be controlled through the emerging Blaby local plan and next iteration of the*

*Fosse Villages Local Plan. Currently the village is over subscribed to the current Blaby District Local plan by over 147 (467 total in 2017) properties and developments and sees the expansion of many existing dwellings; the allocation in the plan was 320. Due to these constraints, it is the wish of SSPC that any future developments including this one must form part of the local plan and be controlled along with the required infrastructure and services improvements that need to take place before individual ad hoc developments take place in the village.*

*The response from SSPC should take into account the previous submission that is in appendix 2 of this document. Most of the points made in the previous statement are still of concern and we request are taken into consideration. The developer has made no attempt to discuss the previous submission or the points that we raised with SSPC which is somewhat disappointing.*

*There are multiple inconsistencies within the multiple documents that have been provided by the developer to support the application. Statements such as 'There is good pedestrian infrastructure in the vicinity of the site' not taking into account that in two directions from the site there is unlit national speed limit sections of road without pavement. Other statements such as those associated with the Fox Connect bus service fail to consider the availability of the service, a quick check on the app shows this is completely oversubscribed during the morning and evening peaks, and unlike a normal passenger bus service it is on demand so does not follow a fixed route meaning it arrives at points at different times making it unusable for commuting where a fixed start and finish time are required. The cycle scheme whilst following the national guidance for area again fails to consider the implications of riding on unlit national speed limit signs and the recent tragic death (17/05/2020) in Sapcote in the identified figure 4 of the applicants travel strategy document area for safety. In the instances of foot, bus and cycle it should be considered not just that something exists but is it safe and feasible to do.*

*Within the reports and application there is nothing to state the core operational hours of the site, giving the locality of the site and the very close proximity to residential properties the hours should be limited to not affect these properties or through vehicles travelling to site disturb others in the village along the limited infrastructure route, specifically for HGV vehicles and also considering the final use of these units if built.*

#### *Applicant Submission Report Comments*

*The included traffic survey was carried out for 1 week only right in the middle of the May 2023 holiday period. Data from longer surveys that is far more statistically significant have been conducted and show the levels of all traffic types are significantly higher than represented in the survey. 19-25th May 2023 is the middle of the holiday period which is not reflective of the actual normal traffic flows, volumes and types. Indeed, traffic surveys conducted by SSPC for a 9 week period in October and November 2023, show significantly higher numbers of traffic and types of vehicles than those detailed in the transport assessment submitted (the location on Huncote Road was the same as done for the application transport assessment).*

*SSPC commissioned LCC Highways to complete these reports looking at the period of 1st of September 2023 to 1st November 2023, to validate the figures that are being*

*used in the various planning applications that could affect the village. Taking the data that is provided in the supplied transport assessment document, the volumes of traffic that are shown in the SSPC survey shows an average increase in traffic of 19.8% above the figures obtained in the limited survey completed in support of this application for total vehicle. For LGV/HGV traffic there are even higher differences in the volumes of traffic as an example the report provided by the applicant states a seven-day average of 541 vehicles per day whereas the average for the survey completed on behalf of SSPC averages 702 vehicles of this classification, this is the same across the survey. One of the reasons that the survey period was chosen was it would incorporate the half term October break and allow an understanding of the impact on traffic volumes this would have. The figures in the applicant's report are reflective of this drop and the data in holiday periods. This highlights somewhat the limitation of the report completed by the applicant and therefore the conclusions that have been based upon this data.*

*Other examples of limited data are the traffic counts completed by the applicant for the junctions in the village, these again are completed as a one off rendering them statistically insignificant as well as not conveying the true extent of the use over an averaged period of time.*

*The traffic report fails to mention the major development that is nationally significant in the Hinckley National Rail Freight Terminal which is well progressed in application that will by its own reports and SSPC traffic modelling mean all access roads to the village will be overwhelmed. Indeed, the report references that they have been unable to find any details of planning applications but limited their search to the Blaby District Council only. Other proposals must be taken into account, hence the preference of SSPC is to complete this through the emerging local plans for the area.*

*The traffic reports completed make reference to Occupation Road but fail to state the significance that this leads to Calor gas main distribution site or the number of vehicles. Both Occupation Road and the exit from the proposed site would join Huncote Road at the same point. The timing of the surveys is also significant as this is a very low point in the delivery requirements for gas during the summer months. The Calor site both in terms of HGV and smaller traffic is a significant impact to the village.*

*The report introduction fails to mention in the introduction that the exit point from the site is bound by a 7.5T weight limit in the direction of Huncote and Croft, all heavy traffic must proceed through Stoney Stanton village. This is only very lightly touched upon in section 5.5 and fails to clarify the significance of this restriction on traffic flows.*

*The report fails to identify that the entry / exit point onto Huncote Road is directly opposite the Simpson Road housing development and 150 yards from Mays Farm Drive residences. This will have a detrimental impact on both noise and traffic volumes especially from HGV's but also the units when in operation.*

*Throughout the report it makes reference to the previous submission for planning that was made and the issues surrounding traffic at the roundabout at the junctions of New Road, Station Road and Hinckley Road that forms the emphasis of the report and in our opinion fails to identify and deal with the major issues that are present at the New Road, Broughton Road, Sapcote Road and Long Street roundabout in the centre of*

*the village that multiple reports are issued on and is already over capacity that can be identified on any peak hour traffic in normal commuting periods. Multiple LCC reports have failed to identify suitable mitigation models to this junction following incidents and impacts of vehicles on properties.*

*SSPC do not consider that Long Street is a suitable access point for any type of development, but especially not HGV traffic that would be generated both during the building phase and the operation of the site should it be granted consent. The only direction for HGV traffic +7500kg is through the village as at the proposed access road meeting with Long Street all lorries are barred from travelling towards Huncote and Croft by the 7.5T weight limit in place. Long Street has two bad blind bends, we already have gas transporters having to stop to allow oncoming traffic to pass safely and the last month has seen a significant road traffic incident to add to the list of others going back many years. The road then significantly narrows where it is not possible for 2 large vehicles to pass each other for 208m before emerging at the roundabout with the Co-op. Under this section of Long Street we have the old sewer and buried services that are already reported to be in poor condition and road drainage systems that have collapsed (reported to LCC Highways multiple times). Heavy traffic fracturing either pipeline is of major concern. The existing HGV traffic has to take both sides of the road if turning left onto B581 Broughton Road, followed by an immediate 90° right turn that stops traffic when HGV's and larger vehicles travel there. If vehicles turn right onto New Road, there is a very heavily utilised pedestrian crossing that any LGV / HGV +3500kg will block the roundabout whilst giving priority to the pedestrians. This pedestrian crossing is situated just below a blind spot in the B581 and at a point where the road narrows outside The Star public house. Traffic forced to stop as ingress and egress to the CO-OP store car park, and again, a matter of yards away as traffic executes a right turn into St. Michael's Court. The much loved village hall is opposite this entrance and to get a clear view of traffic coming up the hill from Broughton Road roundabout requires drivers to "edge" out into the B581 New Road. Likewise, we have a situation at the junction of Hinckley Road and Carey Hill Road. Perhaps the most dangerous blind spot in the village is outside the Doctors surgery. Patients park either side of the road and increasingly so as exiting the surgery car park traffic coming into the village centre cannot be seen. Invariably the traffic comes at speed through what is single lane due to pavement parking. The safety of the villagers should be paramount and preclude the addition of further traffic onto roads. The centre of the village already sees a considerable number of HGV's and passenger vehicles that have a negative impact on the village.*

*The existing roundabout at Long Street / Broughton Road / New Road / Sapcote Road is heavily used and has very poor lines of sight in a number of directions. The original modelling projects state that the roundabout and junction is able to cope with the proposed increases in traffic however they fail to take into account the local geography. The steep slope from Broughton Road , blind corner from Long Street are not taken into account and do not allow the junction to be used as a normal junction. This calls into question the validity of the produced models and the numbers of vehicles that are actually on the roads is significantly higher than those used in the modelling (SSPC have traffic counters in place on multiple roads). Added to this is tightness of the road at Long Street / Broughton Road / New Road and the incidents where vehicles, especially HGV have struck the residential properties. Despite these strikes the L.C.C Highways Department have been unable to put in place any safety*

*measures due to the restrictions in place at the roundabout. Added to the issues with the roads the pavements on Long Street are significantly standard in terms of width and pedestrians particularly primary school children and mothers" with buggies" have to take avoiding action on a regular basis especially with HGV +3500kg type vehicles. The additional vehicle movements in the area and the risk to pedestrians and road users alike are totally unacceptable.*

*There has been a significant increase in through traffic particularly HGV s since the A47 Earl Shilton by-pass opened. The pressure on the B4114 /B581 junction has lead to significant queueing at multiple times throughout the day. Whilst the Broughton Astley side of the junction has a new slip road to improve traffic flow Leicestershire County Council have no plans to alleviate traffic flow into that junction from the Stoney Stanton side of the junction. This work will assist with the development of the industrial site given permission late last year.*

*The narrow roads and roundabout feature in the referendum copy of the Fosse Villages Local Plan downloaded from BDC website. "SS22 The centre of the roundabout contains a small roundabout and wide road layout. The surrounding street pattern at the core of the village is compact and the streets narrow. The road layout at the centre is wide, busy and contains a high number of road markings and signs. Thus, it is a prominent feature that detracts from the rural character of this part of the village". As it is recognised the roads feeding the roundabout in the centre are narrow and already detracts from the village rural appeal. The impact of this development on the village would further detract its appeal through increased traffic that in our opinion is further evidence as to why this application should be declined.*

*To meet new planning application guidelines the development must be sustainable and there is no longer a regular bus service, merely an oversubscribed on demand service. There is no rail service to the village or surrounding area to alleviate the additional traffic. Cyclists from outside the village will have to travel on rural unlit national speed or 50mph roads that are dangerous, and less than 3 months ago unfortunately resulted in a fatal accident. All traffic to this proposed development would be through cars and larger vehicles that are totally unacceptable. Bottle necks form on Hinckley Road because of traffic parked on either side of the road and on the pavements in order to give the HGV vehicles clear single carriageway ingress and egress from the village. We note the government plans to remove kerb parking. This would result in a "rat run effect" of traffic using Underwood Drive and traffic calming measures having to be installed.*

*The existing access road that would remain in operation is a heavily used Bridleway and footpath and there is no protection for either type of use bar a 2m wide footpath, the road is not wide enough for vehicles to pass each other, especially not HGV, and there is no proposed segregation of traffic and bridle / footpath traffic from that using the proposed development. Added to this there is a public footpath that joins the access road at either side 4m from the junction with Long Street and the access road to Calor Gas. The proposals fail to deliver the required safeguarding from the users of the public rights of way and the traffic this new development would generate.*

*Data collected by SSPC shows the traffic to be at far higher volumes than those predicted or used in the report, significantly higher HGV movements from Calor Gas*

also occur over the Winter period when demand for gas is at its highest, not considered.

## Water Systems

There have and continue to be significant issues with the water systems in and around the village that are not sufficient for the volumes of water and waste they are expected to currently carry. This application and its report do not consider the complex water system or indeed reference the current condition and base all work of theoretical model's not actual conditions. For the past 6 years SSPC has monitored the situation in the village and in significant periods of rainfall the sewage system that runs along Clint Hill Drive which this development will join in to at Mays Farms Drive. The system spews raw sewerage from the foul manholes into the road and road water drainage system and comes up through neighbouring properties showers and toilets. Severn Trent in response to the complaints made by SSPC state "what you are experiencing is hydraulic overload..... we have no control over excessive rainfall that can overwhelm the sewerage system". Given the acknowledgement that the system is overwhelmed even during seasonal heavy rainfall, adding anything further to this system as per the proposal would be detrimental and make a bad situation even worse. See appendices for the e-mail copy. The photographs in the appendix of this report show the system on 20th October 2023 at Severn Trent identification points 3001, 3002, 4104 and 4105 after a heavy but not unseasonal rainfall of 43.8mm in 38 hours fell. This is a common occurrence and has been reported regularly by residents and SSPC for multiple years. Furthermore, the foul water system is regularly overflowing into the storm water system at points 8001 to 8004 on the Severn Trent identification maps polluting the Manor Brook and river Soar subsidiaries. Furthermore, significant flooding occurred 1st October 2019 affecting 34 properties which was a 1 in 13-year storm (source LLC LLFA) resulted in overwhelming of the sewerage and freshwater systems around the village and foul water being detected in the majority of the effected properties. During this period the manholes on Clint Hill Drive and elsewhere were displaced due to the volume and pressure in the systems. Given the guidance for planning applications that the applicant should allow for a 1 in 100-year storm plus an allowance for climate change (~30% is guidance and 20% is in the reports) it is clear that adding any further volume to this system until significant upgrades are complete is not acceptable or in line with recommendations.

The Drainage and Flood report has the following inconsistencies that need to be addressed:

- Page 5 the site location is shown in completely the wrong location, covering a field that is proposed to be a forthcoming planning submission by Cora Homes.
- Section 3.2 references the previous planning conditions of 16/1654/OUT and doesn't reference the subsequent revision 20/0835/RM. In any case all supporting documentation and guidance is 3 years out of date as a minimum and should not be used as reference. New and updates consultations with the LLFA and others must be implemented.
- Section 3.3 references the information required by the LLFA and a number of points relate to the 2016 submission, this information is out of date and should be considered irrelevant and needs to be redone as present circumstances and conditions e.g the

*Simpson Road development did not exist immediately opposite the exit road when the 2016 submission was considered.*

*- Section 4 and specifically point 4.1.4 refers to “No flooding occurs anywhere in the network for all return periods up to the 1 in 100 year + 20 years climate change event”. This statement is significantly flawed, there is evidence that the planning authority, LLFA, LCC and Severn Trent are aware of that currently a 1 in 13 year event as per the 1st October 2020 (Source LKCC LLFA), and in normal annual rainfall conditions ref 20/10/2023 with pictures and details in the appendices of this response show this is not the case. The modelling used should at least be calibrated to current conditions and validated before being used to determine the capacity of the existing systems and the ability to accept any further foul or surface water into the systems.*

*- Section 4.2 references below ground attenuations as the only possible method for retention of the required volumes of surface water. Below ground attenuation is not a great method for attenuation, it is difficult and expensive to keep clear of debris and thus increase the impact of rainfall on the system. Further references in section 4.2 state alarms will be in place and annual inspections of the attenuation take place. What is not clear in the reports is the condition of these i.e. how full each is that the modelling condition was completed on, the modelling should be completed in the as full condition as the worst case scenario.*

*- Section 4.2.10 references Simpson Road outfalls and the Swales network from there, however there are sections of the report and indeed the maps in appendix D that state this system cannot be used, so unsure why this information is present. Also the swales referred to post Simpson Close development are maintained and owned by SSPC and no permissions or validations have been made between the SSPC and the developer for use.*

*- Section 4.4 appears to contradict each point. Section 4.4.1 states “... proposed to discharge by a pumped system into the public sewer in Mays Farm Drive...” and section 4.4.2 states “The sewer is sufficiently deep that pumping of foul water will not be necessary in any instance”. This is completely contradictory, which method is proposed? Also in line with the Severn Trent guidance in appendix B where Severn Trent under on page 2 of their response on ‘Foul Water Drainage’ state “A pumped solution will only be accepted upon substantiation that a gravity system is not a viable option which is not the case for this development” This statement refutes statement 4.4.1 in the report body.*

*Given the conflicting statements and modelling inconsistencies SSPC would question the validity of the report for evidence to support a planning application.*

*The current situation is not acceptable and whilst it is not in the applicant requirements to mitigate already existing issues, the mitigations proposed in the ‘Flood Risk Assessment and Drainage Strategy’ will not mitigate the negative effect this will have on the rest of the village and existing infrastructure.*

*Other issues*

*As part of the planning application there is no information that SSPC can find in reference to the sustainability of the site and mitigation of the impact to the environment. There needs to be substantial information and provision on the site heating strategy and reduction in the need for fossil fuel power, the use of solar and wind electrical energy generation and suitable infrastructure for the charging of electric*

*cars and HGV's. There are large roofs that would be ideal for the installation of solar panels and the location at the top of the village would be ideal for capturing energy from wind. The use of CHP electrical systems for heating and water systems should form part of the planning requirements to ensure the environmental impact of the site remains minimal. The future strategy for vehicle use and electrical vehicle support infrastructure especially HGV should be considered especially with the B8 category buildings being delivered.*

*Whilst it is noted that the site is unused agricultural land, and has in the past been used by football teams, there appears to be ground vents located at a number of locations on the site (see appendix 1 for pictures). In the application there is no reference to these vents, or what they are for including any documentation to confirm they are no longer needed or suitable mitigations in the building of the site and monitoring requirements going forwards.*

*In summary*

- The highways plan will not sufficiently mitigate the impact of the development on the local infrastructure.*
- The traffic volumes and data collection were over too short a timeframe rendering them statistically insignificant and at a period of time when there is a lowering of volumes of traffic. The remainder of the traffic modelling uses this data meaning the conclusions drawn are inaccurate and do not reflect the true traffic situation.*
- There conclusions for public transport do not reflect the situation in the village.*
- The area around the entry and exit from the site are housing and there is not sufficient mitigation in place for these homes.*
- The flooding and drainage risk assessment and proposed SUDS alleviations do not reflect the current situation or capacity constraints in the system specifically in the foul water systems, but also with the alleviation will provide a hydraulic head of water at the highest point in the village water systems that will exacerbate existing issues in the village.*
- The plan does not consider already submitted plans for the HNRFI and other significant proposed developments and settlements.*
- Given the limitations of the road infrastructure and the points above there are far better locations for this type of development that would mitigate the impact on the village of Stoney Stanton.”*

### **Third Party Representations**

22 letters/emails have been received from local residents objecting to the application for the following reasons;

- Traffic impacts and highway safety concerns;
- Noise impacts and noise affecting nearby residents;
- Foul and surface water drainage can't cope at present;
- Potential for increase in local flooding;
- Too much development in the village already;
- Too many HGV's in the village already;
- Village infrastructure not adequate to cope with the development;
- Accident risk to horse riders and dog walkers along the internal access road;

- Air pollution issues;
- Development will not assist in meeting challenge of climate change;
- Loss of countryside;
- Impact on character of the area;
- Impact on local ecology and wildlife;
- Lack of real economic benefits to the local community;
- Need for more houses not employment;
- Plenty of vacant employment in Magna Park, no need for these units;
- Poor public transport already, therefore employees will need to use private cars and will have more impact on local roads.

The Stoney Stanton Action Group have also submitted an objection to the proposal, and the text of their objection is set out below:

*“The Stoney Stanton Action Group (SSAG) is a local community led group whose remit is to investigate and raise local awareness of issues that might affect Stoney Stanton, to find out as much possible what local opinion is and to take action that is possible as a voluntary group, e.g. submitting comments about issues and providing our views to local councils etc. SSAG has a committee of 9 members, 311 signed up supporters and 328 Facebook followers. The SSAG committee is formed of a small group of residents of Stoney Stanton.*

*The Stoney Stanton has previously objected to the Reserved Matters application, reference 20/0835/RM, related to this application.*

*It is our opinion that the proposals to develop this area will be significantly detrimental to the village, and further impact the wider area.*

*The Stoney Stanton Action Group therefore objects on the following grounds:*

1. *Our main objection is that Stoney Stanton is not able to withstand more HGVs travelling through the village. SSAG does not consider that Long Street is a suitable access place for any development that will place more HGV traffic on the roads in this area. The only direction possible for HGV traffic from the proposed development site is through the village because all HGVs (with a 7.5T weight limit) are not allowed to travel towards Huncote and Croft. Long Street has two blind bends, the road then narrows significantly before the roundabout next to the Co-op. The existing HGV traffic has to take both sides of the road if turning left onto B581 Broughton Road, followed by an immediate sharp bend that stops traffic when HGV's and larger vehicles travel through. If vehicles turn right onto New Road, there is a very heavily utilised pedestrian crossing causing any HGV +3500kg to block the roundabout when waiting for pedestrians. This pedestrian crossing is situated just below a blind spot in the B581 and at a point where the road narrows outside The Star public house. Traffic is forced to stop for vehicles accessing the CO-OP store car park, and again, a matter of yards away as traffic executes a right turn into St. Michael's Court. Getting a clear view of traffic coming up the hill requires drivers to “edge” out into the B581 New Road. There is a similar situation at the junction of Hinckley Road and Carey Hill Road with a significant traffic problem outside the Doctors surgery. Patients park either side of the road and do so increasingly because exiting the*

*surgery car park traffic is difficult. The safety of the villagers should be taken into consideration. The centre of the village already sees a considerable number of HGV's, particularly from companies already located within or around the village, such as Calor gas, Smithson's Haulage (which exits onto the same difficult bend as Calor gas), Cobley Transport and Stressline. These all have a negative impact on the village now and adding to this would be wrong.*

- 2. We do not believe that tall warehouses should be allowed to be constructed so close to residential areas – as many new houses have recently been built close to the proposed site. People who have bought houses in this area did not know that tall warehouses served by HGV vehicles would be built in the immediate vicinity.*
- 3. The proposed entry / exit point onto Huncote Road is directly opposite the new Simpson Road housing development and 150 yards from Mays Farm Drive residences.*
- 4. Objections (which became the main issue of the previous Reserved Matters application) have not been resolved. Major issues that are present at the New Road, Broughton Road, Sapcote Road and Long Street junction, which is already over capacity, have not been dealt with.*
- 5. As things are now, delivery vehicles sometimes park on the pavement next to the co-op carpark making the area dangerous for pedestrians and vehicles. More HGVs would make this problem worse.*
- 6. SSAG is concerned about the environmental impact that these units will have on the area. The site is in what is a gap between the village residential area and the railway, and also between the village residential area and the Calor gas site. This undoubtedly provides a wildlife corridor and habitat for wildlife. This should be considered to be an area of green wedge.*
- 7. Large sections of the mature hawthorne hedgerow have already been removed and banking put in its place, this is a significant loss of local habitat for wildlife and if this application is passed should be included as a requirement to be replaced.*
- 8. SSAG is very concerned about the impact the development would have on water systems (drainage, foul water system and fresh water). The area is already known to have problems. We do not believe the applicant has properly taken the issues of already overloaded systems into account.*
- 9. SSAG is also concerned about air pollution which will be caused by having many HGVs concentrated in close proximity to residential areas, which due to the relative newness of houses in the area, will have a higher percentage of children living there.*
- 10. Similarly, SSAG is concerned about the additional noise and vibrations that more HGVs centred on our village will cause.*

11. *At the moment the village is at risk from large scale developments that are proposed on all sides. It is our opinion that this development and that of any others must be considered in conjunction with the emerging Strategic Development Area proposed by LCC and the Blaby District Local Plan that is underway and soon to be consulted upon. It is noted that this site does not appear in the Call for Sites document or the existing Blaby District Local Plans.*

12. *The Stoney Stanton Action Group supports local business and understands the need for some development of local employment opportunities, however this location is not suitable for warehousing or any development that would be served by HGVs. Sites away from residential areas with a rural nature, and served by better road access, would be more suitable for this.*

*It is our opinion that this development will be detrimental to the village and local area and we urge the planning committee to reject this application in full.”*

### **Relevant History**

16/1654/OUT	Outline application for Employment Development (Class B1,B2 and B8).	Approved 28/07/2017
20/0835/RM	Erection of 7 industrial units (subdivided into 18 units) (Use Classes E(g), B2 & B8) including access, car parking and landscaping (Reserved Matters).	Approved 13/01/2021

### **EXPLANATORY NOTE**

#### **The Site**

The application site is approximately 2.75 ha in size and it is located to the northern edge of the built-up area of Stoney Stanton. It is constrained to the north by agricultural fields and the railway line with the Calor Gas site beyond. The site sits immediately adjacent to the existing Highfields Farm Enterprise Centre and will share the same vehicular and pedestrian access onto the Huncote Road to the east. On the eastern side of the Huncote Road sits the new Jelson development. Industrial units and residential dwellings lie to the south of the site and open countryside to the west. The site comprises former playing fields and agricultural land and gently rises from east to west.

The outline planning permission that was granted approval in 2017 was for employment development (Classes B1, B2 and B8) for a maximum of 8,460sqm of floor-space (16/1654/OUT). However, all matters (apart from access) were reserved, with details of the appearance, landscaping, layout and scale being indicative at that stage. The subsequent approval of Reserved Matters in 2021 granted permission for 7 industrial units (subdivided into 18 individual units) providing a combined floor space of 7,432sqm of Class E(g), B2 and B8 uses.

## **The Proposal**

This current application seeks full planning permission for the re-development of the site and the erection of four industrial units (subdivided into eight individual units) for use Classes B2 and B8, associated access, car parking, landscaping and ancillary works. A total of 7,687 sq.m of floorspace is proposed through a mix of unit sizes varying from 1,557 sq.m to 552 sq.m

Vehicular and pedestrian access is proposed to be gained via the existing access road that serves the existing Highfields Farm Enterprise Centre, with a new footway along its entire length to be provided. Improvements are also proposed to the junction of the access with the Huncote Road and the Calor Gas access.

The individual units will be constructed in a combination of flat panel and built-up steel cladding, with some feature glazing elements over the entrance doors. The development is proposed to utilise a palette of materials and colour complimentary to buildings within the existing industrial estate. The materials are based on a combination of profiled and flat composite metal cladding in tones of grey with polyester powder coat aluminium windows and door sets. The long proportion of the elevations is punctuated with smooth panel cladding 'pilasters' to create a more vertical proportion.

On-site car parking for 163 spaces are also proposed, as are 13 motorcycle spaces and each unit is proposed to have secure cycle shelters. Space for the parking of lorries (in front of individual units) is also proposed.

The relevant height dimensions of the individual buildings are set out below:

Unit Number	Haunch Height	Eaves Height	Ridge Height
Unit 1	4.5 metres	5.7 metres	7.4 metres
Unit 2	5.5 metres	6.7 metres	9.1 metres
Unit 3	6 metres	7.1 metres	8.8 metres
Unit 4	6 metres	7.1 metres	8.8 metres

The floor space of the individual units to be created are set out below:

Unit Number	Floorspace (square metres)
Unit 1	708
Unit 2A	553
Unit 2B	552
Unit 2C	984
Unit 3A	1,111
Unit 3B	1,557
Unit 4A	1,111
Unit 4B	1,111
Total	7,687

In addition, as part of this proposal a landscaped buffer zone and bund is to be provided on the boundary with the nearest residential dwellings, The Gables and 2c Mays Farm Drive.

## **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.

### **National Planning Policy Framework**

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

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

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

The NPPF also states that planning should proactively drive and support sustainable economic development to deliver business and industrial units.

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.

## **DEVELOPMENT PLAN**

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

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby and the following policies are relevant to the proposed development:

#### **Policy CS1 – Strategy for locating new development**

This policy indicates a settlement hierarchy in terms of the scale of development that will be directed to different types of settlements. Most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester, and for Members clarification, Stoney Stanton is not located within the PUA. However, Policy CS1 allows for lower levels of growth outside of the PUA and notably within the Districts sole “Rural Centre” being the village of Stoney Stanton. Policy CS1 also makes provision for a minimum of 68 hectares of employment land, of which 57 hectares should be located within the PUA and so 11 hectares should be located outside the PUA of Leicester. Accordingly, this proposal (following the earlier grant of an outline planning permission and subsequent Reserved Matters) will contribute to the delivery of employment land targets in a location that is now specifically identified for small scale growth (and allocated through the Fosse Villages Neighbourhood Plan, Policy FV15 refers).

#### **Policy CS2 - Design of New Development**

This policy seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of this new development is considered by your Officers to be appropriate in its context and setting, and reflects the adjoining industrial development whilst also providing scope for appropriate landscaping. The materials proposed to be used and the siting and orientation of the units is considered acceptable and will create an inward facing development where the majority of the site activities will be shielded by the buildings themselves.

#### **Policy CS6 - Employment**

This policy seeks to ensure the District has a range of employment opportunities, allowing for growth of existing businesses and for inward investment. Policy CS6 also indicates that to deliver sufficient employment land to meet strategic needs, the Council will seek to enable development of new smaller scale employment uses in settlements outside of the PUA. As stated previously, this site already has had the benefit of an outline planning permission and Reserved Matters approval for a similar development, and the application sites location abutting the northern edge of the Rural Centre of Stoney Stanton means that this proposal will contribute to the delivery of employment uses in accordance with Policy CS6.

### Policy CS10 – Transport infrastructure

The preferred approach is to reduce the need to travel by private car by locating new development in sustainable locations. In order to maximise modal shift, safe, sustainable and accessible transport modes are to be promoted. In addition, improved conditions for cyclists, pedestrians and horse-riders are to be encouraged. This application proposes improvements to the bridle-way and footpath that runs across the northern part of the site along the access road, and Travel Plans are required (by condition) to be submitted and implemented by future occupiers of the individual units. Accordingly, the proposal is deemed to broadly accord with the aims of 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 accordance with the Council's latest Planning Obligations and Developer Contributions SPD. Developer contributions are proposed to be secured for sustainable travel options through the signing of a S106 Agreement.

### Policy CS15 – Open Space, Sport and Recreation (as amended by the 2019 DPD)

This policy seeks to protect existing open space and sport and recreation facilities within the District and includes a number of criteria that need to be addressed where development is proposed on an existing recreation facility. Members should note that whereas the application site includes a former sports pitch which was identified in the 2009 PPG17 Open Space Study, the more recent Open Spaces Audit of 2015 no longer identifies the former sports pitch as being available or an "asset." Accordingly, and also having regard to the advice of Sport England, your Officers consider that the proposal for the development of this land does not offend Policy CS15.

### Policy CS19 – Bio-diversity and geo-diversity

The strategic objective is to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors. Appropriate buffering and mitigation measures should be put in place to avoid / reduce any adverse impacts resulting from the proposal. The submitted ecology surveys have identified that no protected species will be directly affected by this development but have recommended a series of enhancements and mitigation measures. The County Council Ecologist has reviewed the ecology surveys and has no objections subject to the imposition of various conditions. These conditions have been included in the Recommendation at the beginning of this Report. Accordingly, the aims of Policy CS19 are not offended by this application.

In respect of Bio-diversity Net Gain (BNG) the County Ecologist has made comments concerning the impact of the development. Your Officers acknowledge that the development of this site will result in an overall loss of BNG on the site. However, as the application was submitted prior to the 10% BNG net gain requirement within the Environment Act 2021 being enacted (on 12<sup>th</sup> February 2024), the District Council

cannot insist on a net gain being achieved, and this would not form a robust reason for refusal in its own right.

#### Policy CS21 – Climate Change

Development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency. The location of the application site within the settlement boundary of the identified Rural Centre of Stoney Stanton is considered to be a sustainable location.

#### Policy CS22 – Flood Risk Management

The objective being to ensure all development minimises vulnerability and provides resilience to flooding. The application site is entirely within Flood Zone 1, which has a low probability of flooding.

#### Policy CS24 - Presumption in favour of sustainable development

This 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. The location of the site within the identified Rural Centre of Stoney Stanton is considered to be a sustainable location, particularly when having regard to the level of services and facilities available within the village. The application proposal therefore generally accords with Policy CS24.

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

The adopted Delivery DPD (February 2019) is part of the Development Plan for the District of Blaby. The following policies are the most relevant to the proposed development:

#### Policy DM1 – Development within the Settlement Boundaries

This policy states that development within settlement boundaries will be supported, subject to various criteria being met. The application site lies within the defined Settlement Boundary of Stoney Stanton.

#### Policy DM3 – Employment Development on Unallocated Sites

This policy, inter alia, supports employment development on unallocated sites on the edge of the built-up area of the Principal Urban Area, Blaby, the Larger Central Villages, the Medium Central Villages and the Rural Centre. Stoney Stanton is defined as the Rural Centre.

#### 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 County Highway Authority who are satisfied that the access arrangements, internal road layout and parking provision within the development are acceptable in highway terms and meet the prescribed standards.

## **The Fosse Villages Neighbourhood Plan (2020)**

### Policy FV6 – Design

This policy reflects Policy CS2 of the Core Strategy and seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of this new development is considered by your Officers to be appropriate in its context and setting, and reflects the adjoining industrial development whilst also providing scope for appropriate landscaping. The materials proposed to be used and the siting and orientation of the units are also considered acceptable.

### Policy FV15 – Employment Areas

This policy specifically mentions the Highfields Farm Enterprise Centre and states that development will be supported in this location.

## **Material Considerations**

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

In addition to the policy considerations set out above, there are three substantive material considerations that relate to the development of this site and consideration of the Reserved Matters application, which are:

- Principle of the development;
- Highway Issues;
- Safeguarding Residential Amenity.

## **Principle of development**

Outline planning permission was granted on this site in July 2017 for 8,460 sq.m of Class B1 (office/light industrial) and Class B2 (general industrial) and Class B8 (storage and distribution) uses and the subsequent Reserved Matters application was approved in 2021. Member should also note that the site is classed as being within the Settlement Boundary of Stoney Stanton, as shown on the Delivery DPD Policies Map, and within designated employment land as shown on the Fosse Villages Neighbourhood Plan. The principle of the development of this site has therefore been

established by the earlier granting of planning permission and it forms an allocation as part of the operative Development Plan for the District. Therefore, your Officers do not consider that the principle of the development of this site is a matter for consideration as part of this current application.

## **Highway Issues**

One of the critical considerations during the processing of both the original outline application and this current application was the potential impact of the development on the local highway infrastructure and highway safety arising from the increase in vehicle movements, notably HGV's.

As part of this application, the applicants have submitted detailed transport assessments (complete with junction modelling data) that have been assessed by Leicestershire County Council as Highway Authority. The Highway Authority has ultimately concluded that the highway impacts of the development are not so severe as to merit refusal, and any highway impacts could be mitigated through the imposition of conditions.

Given the thorough assessment of the highway impacts of this development and the clear and unequivocal advice of the Highway Authority, it is considered that there are no robust reasons to refuse the current application on Highway grounds.

## **Safeguarding Residential Amenity**

During the consideration of this application your Officers have been conscious of the need to protect the residential amenities of nearby residents. The applicants were requested to undertake a noise assessment and survey in order to establish the likely noise impact on adjoining residents. That survey found that without adequate mitigation, noise problems could be experienced by residents, and the noise assessment provided a number of recommendations to mitigate noise disturbance and the application currently before Members has included a buffer zone and bunding with the boundary of the closest properties. This Council's Environmental Services Officer has assessed all of the submitted details and has concluded that the scheme is unlikely to have any significant impact on the closest residential properties and is thus acceptable subject to the imposition of specific conditions.

Furthermore, your Officers were concerned about the possibility of extended working hours on this site causing concerns for residential amenity in the evenings, night times and weekends. Accordingly, a condition is proposed to restrict the operating hours of future occupants of the industrial units to 7.30am to 6.30pm Monday to Friday, 7.30am to 1.00pm on Saturdays and no working on Sundays nor officially recognised public holidays. These hours of use are in general conformity with the hours of use imposed on the existing industrial units on the adjoining site.

Nevertheless, in order to provide an extra layer of protection for residential properties from potentially noise generating activities in the future, it is considered that conditions should be imposed requiring the approval of any external plant or machinery, and requiring no fabrication or assembly works outside of the units. In addition, conditions

should be imposed requiring doors that open onto production areas to be kept closed whilst machinery is being operated.

### **Overall Planning Balance and Conclusion**

In summary, the proposed development (which has already been granted planning permission in the recent past) accords with the operative Development Plan for the District. The development is considered acceptable in its design and appearance and would be in keeping with the character and use of materials for other permitted units across the wider Highfields Farm Enterprise Centre site. The proposal is not considered to cause a detrimental impact to residential amenity due to the separation distances to neighbouring residential properties, combined with the provision of the landscaped buffer zone and bund. Furthermore, conditions are proposed limiting the hours of operation and to ensure that noisy activities are contained within the envelope of the buildings.

The highway impacts of the development have been considered and found to be acceptable subject to the imposition of conditions. The County Highway Authority consider that this proposal provides suitable access, car parking and turning areas, along with cycle parking. Landscaping details have been submitted as part of the application to improve the appearance of the overall scheme.

Furthermore, the release of this land to provide employment opportunities in the Districts sole Rural Centre that has been identified as a focus for growth for the more rural southern parts of the District would accord with the employment policies contained within the Core Strategy (namely Policies CS1 and CS6). This development provides an opportunity to deliver employment space attractive to small and medium sized enterprises and thus can be considered to accord with the economic aims and aspirations of the Development Plan.

There are no overriding environmental constraints to prevent this proposed development, which would deliver economic benefits to the District of Blaby and where necessary, mitigation measures will ensure that any impacts are minimised. No objections have been received from statutory consultees, notably, and in particular, the Highway Authority.

Overall, the three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF and, taking into account the adopted Development Plan, the established principle of development on this site and all other material considerations your Officers are of the opinion that the development is acceptable subject to the imposition of the conditions as detailed at the beginning of this report. Accordingly, this application is recommended for approval.

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