

**Blaby District Council  
Planning Committee**

**Date of Meeting**      **25 July 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 **04 June 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.

<b>3.2</b>	<b>Application No.</b>	<b>Page No.</b>	<b>Address</b>	<b>Recommendation</b>
	<b>23/1071/OUT</b>	<b>15</b>	<b>Land adj to Leicester Road and Foston Road, Countesthorpe</b>	<b>APPROVE</b>
	<b>24/0424/HH</b>	<b>85</b>	<b>18 Stanton Road, Sapcote</b>	<b>APPROVE</b>
	<b>24/0455/FUL</b>	<b>89</b>	<b>27 and 29 Bosworth Way, Leicester Forest East</b>	<b>APPROVE</b>

### **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**

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**23/1071/OUT**

**Registered Date  
14<sup>th</sup> December 2023**

**Catesby Strategic Land Limited**

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

**Land Adjacent To Leicester Road And Foston Road,  
Countesthorpe**

**Report Author: Stephen Dukes, Development Services Team  
Leader**

**Contact Details: Council Offices. Tel: 0116 2727520**

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

- 25% provision of affordable housing
- Primary education contribution
- SEND education contribution
- Early years education contribution
- Library facilities contribution
- Civic amenity and waste facilities contribution
- Health care facilities contribution
- Police contribution
- Off-site sports facilities contribution
- Allotments contribution (subject to identified need)
- Cemeteries contribution (subject to identified need)
- Travel Packs
- Bus Passes
- Travel Plan monitoring contribution
- MOVA upgrades and validation – Leicester Road/ Hospital Lane junction
- MOVA upgrades and validation – Countesthorpe Road/ Blaby Road/ St Thomas Road/ Saffron Road junction
- S106 monitoring contributions – District and County Councils

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

1. 2-year time limit for submission of reserved matters. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the latter).
2. Reserved Matters details to be submitted.
3. Development to be in accordance with approved plans.
4. No approval to illustrative layout.

5. Maximum number of dwellings not to exceed 170.
6. Dwellings to not exceed two storeys in height.
7. Approved landscaping scheme for landscaped edge to be carried out in first planting season following commencement of development. Remaining landscaping to be carried out within one year of completion of development.
8. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
9. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes.
10. Details of all external materials to be agreed.
11. Details of site levels/ finished floor levels to be submitted and agreed and adhered to.
12. Surface water drainage scheme to be submitted and agreed and implemented.
13. Foul water drainage scheme to be submitted and agreed and implemented.
14. Details of management of surface water during construction to be submitted and agreed and adhered to.
15. Details of long term maintenance of surface water systems to be submitted and agreed and adhered to.
16. Infiltration testing to be carried out.
17. Construction Environmental Management Plan to be submitted and agreed and adhered to.
18. Scheme for treatment of Public Right of Way Footpath Z23 to be submitted and agreed.
19. Access arrangements to be implemented in full.
20. Leicester Road/ Foston Road roundabout works to be implemented in full.
21. Footway/cycleway works between roundabout and Meadows Sports Ground to be implemented in full.
22. Landscape and Ecological Management Plan (LEMP) to be submitted and agreed and adhered to (securing Biodiversity Net Gain and 30 year management).
23. Recommendations in Section 6 of the Ecological Appraisal (December 2023) to be adhered to.
24. Scheme for the provision of bat and bird boxes within dwellings to be submitted and agreed and adhered to.
25. Hedgerows and trees to be retained to be protected during construction.
26. External lighting scheme for public areas to be submitted and agreed and adhered to.
27. Waste collection strategy to be submitted and agreed and adhered to.
28. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
29. Reporting of unexpected contamination.
30. Recommendations of Odour Impact Assessment to be adhered to.
31. Recommendations of Noise Impact Assessment to be adhered to.
32. Recommendations of Lighting Impact Assessment to be adhered to.
33. Recommendations and mitigation in Air Quality Assessment to be adhered to.

## **NOTES TO COMMITTEE**

### **Relevant Planning Policies and Guidance**

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

Policy CS1 – Strategy for locating new development  
Policy CS2 – Design of new development  
Policy CS5 – Housing distribution  
Policy CS7 – Affordable housing  
Policy CS8 – Mix of housing  
Policy CS10 – Transport infrastructure  
Policy CS11 – Infrastructure, services and facilities to support growth  
Policy CS12 – Planning obligations and developer contributions  
Policy CS14 – Green infrastructure  
Policy CS15 – Open space, sport and recreation  
Policy CS18 - Countryside  
Policy CS19 – Biodiversity and geo-diversity  
Policy CS20 – Historic Environment and Culture  
Policy CS21 – Climate change  
Policy CS22 – Flood risk management  
Policy CS23 - Waste  
Policy CS24 – Presumption in favour of sustainable development

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

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

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

#### **Planning Practice Guidance (PPG)**

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

#### **Other Supporting Documents**

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

**Leicestershire Highways Design Guide**

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

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

**Blaby Landscape and Settlement Character Assessment (2020)**

**Blaby District Council Open Space Audit (December 2015)**

**Blaby Playing Pitch Strategy 2020**

**Blaby Residential Land Availability Report (March 2023)**

**Joint Strategic Flood Risk Assessment Final Report (October 2014)**

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

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

### **Consultation Summary**

#### **Active Travel England**

March 2024 – Recommended deferral – stated that Active Travel England was not in a position to support this application and requested further assessment, evidence, revisions and dialogue. Recommended the following:

- Revisions to mode share in Travel Plan – targets are unambitious.
- Enhanced designs of access points to ensure these allow for inclusive mobility.
- Enhancements to roundabout to include an access point for pedestrians and cyclists to take advantage of natural desire line between the site and village centre.
- Installation of raised table crossing to Jubilee Way.
- Details of materials for all active travel facilities.
- Details of how the proposed development can fully utilise and enhance the public right of way to the site western boundary, connecting to the Grand Union Canal.
- Precise details of number and type of cycle parking.

June 2024 – Recommends approval subject to the agreement and implementation of planning conditions and/or obligations.

- Welcomes the applicant's intention to work with LCC to set appropriate mode share targets but maintains position that a revised Travel Plan should set a target that aims for 50% of all short journeys to be walked, wheeled and cycled by 2030.
- Welcomes the active travel infrastructure improvements including 3m footway/cycleway along Leicester Road, widening of central refuges at roundabout and contribution to bus passes.
- Notes that details of cycle parking can be confirmed at reserved matters stage but advises on an informative to ensure precise details are committed to.

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

- Widening footway on east side of Leicester Road to entrance to Meadows Sports Ground.
- Installing a crossing on Foston Road at south entrance to site.
- Ensure access path to roundabout is fully accessible to cyclists and wheelers.
- Raised table crossing installed on footpath across west entrance.
- Crossings on roundabout upgraded to signalised toucan crossings.
- Proposed parking bays on south side of roundabout to be removed as they encourage car use.
- Travel Plan should reflect Blaby District Council targets.
- Working group should be set up with Travel Plan Coordinator.
- Numbers, construction and placement of cycle parking and storage is unclear.
- No mention of signage and wayfinding within the site.

**Blaby District Council, Environmental Services** – Makes comments in relation to Air Quality, Land Contamination, Flooding, Drainage, Odour, Noise and Disturbance, Lighting and Impact of Construction.

**Blaby District Council, Health and Leisure** – Requests a total developer contribution of £237,484 to be used for improvements to off-site sports facilities to cater for the additional demand generated by the development.

**Blaby District Council, Housing Strategy** – Recommends a preferred mix of affordable and market units.

**Blaby District Council, Neighbourhood Services** – Makes comments in relation to the servicing of the site by the District Council's Refuse and Recycling collection vehicles.

**Blaby Parish Council** – *“Blaby Parish Council's concerns would be the increased traffic through the village and also the additional pressure the development will put on the local amenities and services. Roads are already very congested especially if there has been an accident on the motorway or when the roads are flooding. If this development was to be approved there could be up to approximately 340 additional vehicles on the roads, the infrastructure needs to be put in place otherwise Blaby will become gridlocked.”*

**Countesthorpe Parish Council** –

Due to the length of the response, the full responses are appended to this report.

**Kilby Parish Council** –

*“Kilby Parish Council wishes to comment to the Outline Planning Application of the above reference submitted by Messrs Catesby Estates Ltd as follows:*

1. *The effects of the ad hoc ‘creeping’ expansion of Countesthorpe (and other nearby larger villages) on places like Kilby should not be under-estimated. Besides the continued development of open farm land and its effect on the rural*

*character of the district generally, our principal concerns relate to the serious consequences for Kilby as a result of increased traffic flows through our village. Local residents are already victims of the noise, pollution, congestion and risks to road safety caused by Main Street Kilby forming part of a 'rat run' for vehicles from Countesthorpe, Blaby and villages beyond travelling to and from destinations to the east, especially at peak times. It is acknowledged that a detailed Transport Assessment has been previously submitted by the applicants, including surveys of traffic using the key junction between Foston Road and Welford Road (A5199). This report points out that this junction operates over capacity at peak times and proposes widening Foston Road to form left and right turn lanes and we acknowledge that this will reduce queuing which is currently a problem at peak times. However, the nearby junction between Spinney Road and Welford Road is not addressed by the assessment.*

- 2. As mentioned above, of particular concern is the junction between Spinney Road and Welford Road (A5199). Other factors affecting this junction, including poor visibility, due to the junction being on a bend, and high speeds of traffic on the main road, especially downhill from the south, making for dangerous conditions for drivers emerging from Spinney Road, have not been considered. Regarding traffic speeds on the main road, the electronic speed warning signs erected some time ago have only been partially successful in achieving their aim (and one of them has been taken away for repair for a protracted period), as they are disregarded by many drivers. We would add that the staggered nature of the combined junctions for drivers wishing to take the Foston Road to Countesthorpe and visa versa is also a factor. We believe that the submitted report should have considered both junctions as a whole and that increased length of traffic queues on Spinney Road will cause emerging drivers to become more frustrated and take increased risks resulting in the potential for more accidents.*

*We trust that the above views will be taken into account when the submitted planning application is considered for determination. However, in the event that the application is approved, we would wish to press for traffic mitigation measures to be taken for the benefit of Kilby and its residents, to be included in related Planning Conditions and Legal Agreements. We believe the following warrant serious consideration: -*

- a) Traffic signals at the junction with the A5199 – covering Spinney Road as well as Foston Road and Welford Road (A5199). We realize that this may involve amendment to the 'clearway' status of the A5199 at this, but we believe that the increased amount of traffic joining / crossing from Spinney Road and Foston Road, due to this and other developments at Fleckney and Kibworth, would justify this change on grounds of road safety. Alternatively, the formation of mini roundabouts or other traffic management measures could be considered. Both of these measures would have the effect of slowing down traffic on Welford Road as they approach the two junctions. Since turning out of Spinney Road onto the A5199 is becoming increasingly dangerous, our parishioners that such improvements are essential, should this and other residential developments in Countesthorpe receive planning approval.*

- b) *Finance to be provided for additional electronic speed detection & warning signs (VAS) to be installed on Spinney Road, Main Street, Fleckney Road and Wistow Road, Kilby to slow down traffic more effectively – placement to give sufficient time for drivers to slow down before entering the village. At present we have two mobile signs with rechargeable batteries, which were paid for by grant from Leics County Highways.”*

**Leicestershire County Council, Archaeology** – No objections. Previous archaeological evaluation undertaken in relation to application 16/0843/OUT did not identify any remains of significant further archaeological interest within the application site. The application warrants no further archaeological action.

**Leicestershire County Council, Developer Contributions** – No objections. Requests the following contributions to mitigate the impacts of the development:

Libraries - £5,133.61

Primary Education - £183,356.00

Secondary Education - £0

SEND Education - £95,962.33

Early Years Education - £265,244.20

Waste - £4,057.90

Monitoring Fees

**Leicestershire County Council, Ecology** – No objection. The site has relatively low ecological value and no evidence of protected species was recorded. Biodiversity net gain is achievable on site but will need to be updated at the Reserved Matters stage if the layout and landscaping changes. A Landscape and Ecological Management Plan (LEMP) will need to be provided at Reserved Matters Stage, and the incorporation of integrated bird and bat boxes into the new dwellings will need to be shown on submitted plans.

**Leicestershire County Council, Forestry** – No objections. Comments that the site is currently agricultural land and therefore trees and hedges are present only on the outer site boundaries. The boundaries to Foston Road and Leicester Road generally have managed field hedges present only. The trees on or adjacent to the site are concentrated to the north-west and eastern boundaries. Based on the illustrative layout these trees would be appropriately retained by way of a buffer between the development and existing trees. The illustrative layout indicates a number of new trees/ planting across the site as part of the general landscaping, including open space across the northern section. Advises that a detailed landscape plan and landscape maintenance plan should be secured by condition.

**Leicestershire County Council, Highways**

March 2024 – Further information is required. The LHA makes comments in relation to the following:

- Site Accesses on Leicester Road and Foston Road.
- Pedestrian access points.
- Road Safety Audit.
- Highway Safety.
- Trip Generation.

- Junction Capacity Assessments and Off-Site Mitigation.
- Internal Layout.
- Walking, cycling and wheeling.
- Public Transport.
- Travel Plan.

The LHA requested the following additional information:

- Details of dimensions for the ghost right turn to the Leicester Road access.
- Crossing facilities to be provided across Leicester Road access including tactile paving.
- Clarification regarding timing of Automatic Traffic Count survey.
- Tracking drawing for Leicester Road access to be amended.
- Speed survey data to be submitted for Foston Road access to inform vehicle visibility splays.
- Crossing facilities to be provided across Foston Road access including tactile paving.
- Confirmation of speed of vehicles for Foston Road tracking drawing.
- Pedestrian access from Leicester Road/ Foston Road roundabout to be shown on Parameter Plan and Roundabout scheme drawings.
- Details of treatment of Public Right of Way.
- New road safety audit to be submitted.
- Output data for the classified turning counts to be submitted.
- Clarification of entry width for Foston Road on roundabout scheme.
- Proposed roundabout works to be shown on a topographical drawing.
- Cycle facilities to be provided linking existing shared use path on northern arm of roundabout with Countesthorpe via Buckingham Road.
- Splitter island on Ladbroke Grove roundabout arm to be of sufficient width for cycles to wait.
- Clarification regarding differences with result for Foston Road/ Welford Road junction compared with results for 16/0843/OUT.
- Comments regarding Foston Road/ Welford Road improvements to be addressed.
- Modelling to be undertaken for Hospital Lane/ Welford Road/ Western Drive/ Winchester Road double mini roundabout in Blaby.
- Further consideration to be given to improving walking, cycling and wheeling infrastructure including:
  - o Improvements along northern extent of Foston Road to connect site access and garden centre.
  - o Improvements along eastern extent of Leicester Road to connect access and Meadows Sports Ground.
- Traffic splitter islands on Leicester Road to be widened to accommodate waiting cyclists.
- Improvements requested to Travel Plan.

June 2024 – Following the submission of additional information, the Local Highway Authority advises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

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

The LHA requests conditions in relation to the submission and approval of a construction traffic management plan, a scheme for the treatment of the public right of way, the access arrangements being implemented in full, the roundabout works being implemented in full, the off-site footway/cycleway works along Leicester Road being implemented in full, and the replacement of stiles with kissing gates along Footpath Z23.

Contributions are sought for travel packs, bus passes, travel plan monitoring, and contributions to MOVA upgrades at the Leicester Road/Hospital Lane and Countesthorpe Road/ Blaby Road/ St Thomas Road/ Saffron Road junctions.

**Leicestershire County Council, Lead Local Flood Authority** – No objections. Notes that the 7.81ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low risk of surface water flooding. The proposals seek to discharge at 9.6 l/s via a swale and an attenuation basin to the on-site watercourse. The swale connects to the northern half of the proposed surface water drainage only. The applicant should consider other source control SuDS, such as permeable paving, in the southern half of the site to provide equivalent treatment for drainage across the development. Due to flooding within the downstream catchment, the LLFA would expect the applicant to ensure all avenues are explored to minimise any increase in run-off volume leaving the site. Recommends conditions requiring submission and approval of surface water drainage scheme, management of surface water during construction, long term maintenance of surface water and infiltration testing.

**Leicestershire Fire and Rescue Service** – No comments.

**Leicestershire Police** – Requests a contribution of £25,070 to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet with new demand.

**NHS, Leicester, Leicestershire and Rutland Integrated Care Board** – Requests a contribution of £131,648 for use at an existing GP surgery and/or to develop alternative primary/community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development.

### **Third Party Representations**

715 letters of representation were received, 700 of which objected to the application, 6 were neutral and 9 supported the application.

The comments received are summarised below:

#### **Supporting**

- Natural progression of the expansion of the village.
- Will serve increasing population.
- 3 bedroom affordable homes should be built.
- Provision of affordable and social housing.

## - **Objecting**

### Housing/ need for the development

- Countesthorpe has had its fair share of new housing.
- Unnecessary development.
- Countesthorpe has had hundreds of new houses built in nearby Redrow Estate.
- Lack of 5 year land supply – Council is at fault for not having an up to date plan.
- Housing styles should match those in the village.
- Number of houses provided in Countesthorpe is over the Core Strategy target
- Comments on applications 24/0001/OUT and 24/0004/FUL and the combined impact of these developments.
- Not a requirement for new homes as Lubbesthorpe is supposed to cover the Council's requirements.
- Development should be prioritised in brownfield sites over greenfield.
- Local Plan does not include any large developments within Countesthorpe.
- There are 4 proposed developments in Countesthorpe and Blaby which could equate to a total of 426 new dwellings.
- Development is too large for the village.

### Flooding

- Flooding over the last winter.
- Flooding at Crow Mills, Hospital Lane, Winchester Road, Foston Road.
- Flood report does not reference recent flooding.
- In December 2023/ January 2024 all roads out of village were flooded.
- If development goes ahead, less land to soak up water during storms.
- Football club pitches unusable due to waterlogging.
- FRA states that the LLFA were consulted and no record of flood incidents within close proximity to the site. These findings contradict DEFRA's historic flood maps.
- Further surface water modelling should be undertaken as believe the EAs Flood Map for surface water flooding is inaccurate.
- The Flood Risk Assessment does not assess the surrounding areas, just the application site.

### Highways/ traffic

- Foston Road dangerous.
- Too much traffic through village.
- Foston Road used a major cut through.
- Increase in air pollution.
- Parked cars on road for existing houses on Foston Road.
- No cycle routes from village.
- Buses are infrequent.
- Serious road accidents in area.
- Train stations at South Wigston and Narborough have insufficient parking to cope with demand.
- Roads are busy when funerals are happening at Crematorium.
- Access arrangements will create a possible rat run.
- Access off Foston Road is too close to Rosebank Road.
- Transport data out of date.
- Hard to cross Station Road due to traffic.

- Difficulty already parking at the surgery, dentist and chemist .
- The Travel Plan should include the provision of bus permits for all households.
- Should be an improved travel plan.
- The new roundabout will unlikely be an improvement, it is not clear how residents will safely access the roundabout, there are no traffic lights.
- Too much traffic will damage the roads.
- Traffic coming out of Rosebank Road is already heavily congested.
- Traffic study was carried out during school holidays so not a true reflection of everyday traffic levels.
- Proposed roundabout at the top of Foston Road will become a 'rat run' for people cutting through Countesthorpe.
- Increased congestion to already dangerous junction at Cosby Road / Willoughby Road.
- Increased safety risk to school children due to increased traffic levels
- Parking is very limited in the village.
- Will worsen pedestrian safety.
- Limited facilities/infrastructure in village forces people to use car.
- Increased noise from roads.
- Travel Plan is unrealistic.
- Need to cross main roads to get to nearby schools – parents will drive children to school.
- Roads are in a bad state of repair.
- Cars race along Leicester Road.
- No safe cycle routes to South Wigston or A5199.

#### Facilities/ infrastructure

- Not enough school places/ school oversubscribed.
- GP surgery full/ cannot handle more residents.
- Not enough shops.
- Development could mean local children not getting a place at their local school.
- Potential issues for new residents with proximity to sewage works.
- Lack of leisure facilities in village.
- No NHS dentists in village.
- Water pressure is already low.
- WiFi services and telecommunications are limited and slow.
- School in South Wigston is reducing its intake.
- No post office or bank in the village.
- Lack of amenities for young people and have anti-social behavioural issues.
- Not enough nursery places.
- Nothing mentioned about extra funding for the Health Centre, libraries or local schools.
- Parks are inadequate.
- Telephone exchange is at capacity so will impact WiFi.
- Additional strain on chemist.
- Insufficient sewerage capacity.
- No youth facilities in village.
- Insufficient car parking capacity in village centre.
- A new school and doctors are needed to serve Countesthorpe.
- Roads too narrow, not fit for extra traffic.
- Lack of employment opportunities in village.

### Impact on countryside/landscape

- Should be a green belt separating Countesthorpe from Blaby and Wigston.
- Countesthorpe should remain a village, separated from surrounding areas.
- Food security - agricultural land should be retained for growing crops.
- Field is used by walkers.
- Loss of green space.
- Would ruin the beautiful landscape.
- Application could affect a public right of way.
- Increased light pollution.

### Biodiversity/ ecology

- Impact on wildlife.
- Loss of habitats.
- Hedgerow boundaries are of ecological interest and contribute positively to landscape.

### Climate change

- Council should set standards for energy efficiency/ insulation standards/ general construction standards.
- Solar panels should be mandated.
- Ground source heat pumps should be installed.

### Other

- Limited employment opportunities in Countesthorpe – residents will be travelling elsewhere for work.
- People's wellbeing will be impacted by the works.
- Sewerage system is on the point of collapse.
- The local vets will not admit new animals.
- The tree residential applications in Countesthorpe should be considered in conjunction rather than individually to allow the most appropriate one to be given consent.
- Increase in anti-social behaviour.
- Lack of public consultation.
- Consultation period too short.
- Impact on residents' wellbeing due to loss of green space.
- Increase in litter.
- Mental Health issues associated with the strain on schooling provisions.
- Appeal was previously dismissed in 2017 – no need to change this decision.

### Relevant History

A largely identical planning application was submitted in 2016, which was refused by the District Planning Authority, and subsequently dismissed on appeal following a public inquiry. The details of the application and appeal decisions are set out below

**16/0843/OUT** - Proposed residential development (maximum 170 dwellings) with vehicular access points from Leicester Road and Foston Road and associated highway improvements. (Outline) – Refused 11 November 2016 for the following reasons:

1. The proposal would represent unsustainable development in conflict with Policies CS1 and CS5 of the Blaby District Local Plan (Core Strategy) Development Plan Document (Adopted February 2013) which seek to promote sustainable development by focusing new housing development within or adjacent to the Principal Urban Area of Leicester and would thereby undermine its fundamental spatial strategy. It could perpetuate, or worsen, unsustainable out-commuting patterns and, as such, would be contrary to the principles of sustainability which promote a reduction in travel. The proposal is therefore also in conflict with Policies CS10 and CS21 of the Core Strategy.
2. The proposed development is located in an area identified as Countryside in the Blaby District Local Plan (1999). In such areas, there is a presumption against residential development. The District Planning Authority considers that the residential development of this greenfield site would represent an unwarranted intrusion of urban development beyond the existing well defined edge of settlement and would cause significant harm to the character and appearance of the landscape and character of the village and thus would be contrary to saved Policy C2 of the Blaby District Local Plan (1999) and Policy CS18 of the Blaby district Local Plan (Core Strategy) Development Plan Document (2013).
3. The Applicant has failed to demonstrate that improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Furthermore, the Applicant has failed to fully demonstrate the impact of the proposed development on the highway network.

**APP/T2405/W/16/3164730** – Appeal dismissed 25 August 2017.

On the first reason for refusal, the Inspector concluded that the Council could demonstrate a five years supply of housing at that time. The development plan policies except for Local Plan policy C2 were considered up-to-date and in accordance with the NPPF. The Inspector concluded that the proposed development would not accord with the development plan as a whole.

On the second reason for refusal, the Inspector found that the proposed development would not have a significantly harmful effect on the character and appearance of the area. The Inspector acknowledged that the Council's Landscape Character Assessment identified the importance of continued retention of hard edged boundaries between the urban edge of the village and the surrounding countryside. Whilst layout was not a matter for consideration, the Inspector saw no obvious reason why a suitable scheme submitted at reserved matters stage would not be capable of successfully integrating with, and reinforcing the hard boundaries between the village and the open countryside. Whilst the Inspector acknowledged that the proposed development would be highly visible when viewed immediately from Foston Road and Leicester Road as well as from a public footpath to the north of the site, he commented it would be less visible from other identified viewpoint locations. However, he remarked that an effective landscaping and tree planting scheme would, in the fullness of time, successfully integrate the development with its urban and rural surroundings.

On the third reason for refusal, prior to the Inquiry, the appellant submitted amended drawings to the proposed highway layout, making minor modifications to the junction between Foston Road and Leicester Road. The Council stated that these changes addressed its concerns on the matter, and it advised that subject to these drawings being accepted at the Inquiry, it no longer wished to defend its third reason for refusal. The Inspector ruled at the Inquiry that he was content to determine the appeal on those amendments, on the basis that it was not significantly altered from that considered by the Council at application stage.

## **EXPLANATORY NOTE**

### **The Site**

The application site lies to the northeast of the village of Countesthorpe and comprises of 7.81 hectares of land currently forming a large irregular shaped field. The site is adjacent to Leicester Road to the west and Foston Road to the south and is located approximately 600 metres to the north of the village centre.

The site is bound by agricultural land to the north, beyond which is a sewage works located 300 metres to the northeast and Meadows Sports Ground. There is a garden centre directly adjacent to the southeast corner of the site. The site is bound by Foston Road to the south, beyond which lies a residential development and a crematorium, and Leicester Road to the west, beyond which lies more recently built residential development. The boundary of the site is demarcated by a hedge with intermittent trees along the western and southern boundaries. The site is open to the north and is separated from the garden centre to the east with a boundary of established trees.

The site is located outside of, but adjoining, the Settlement Boundary of Countesthorpe, identified as a 'Larger Central Village' in the Core Strategy, and is classed as Countryside. It is located entirely within Flood Zone 1 (at lowest risk of flooding from rivers) and is at very low risk of flooding from surface water flooding. There are no designated heritage assets on the site but the edge of the site is approximately 250 metres from the edge of the Countesthorpe Conservation Area to the south where a number of statutorily listed buildings are also present. Public Footpath Z23 runs along the western edge of site and connects Countesthorpe to the Grand Union Canal and onwards to Wigston/ South Wigston.

### **The Proposal**

The application seeks outline planning permission for residential development comprising a maximum of 170 dwellings, with all matters reserved apart from the means of access. Two means of vehicular access to the site are proposed, one from Leicester Road and one from Foston Road, as well as highway improvements to the junction of Foston Road and Leicester Road. This will see the partial realignment of Foston Road and a modified, larger roundabout in place of the existing mini roundabout at the junction of Leicester Road and Foston Road.

The application is largely similar to the development proposed in application 16/0843/OUT, which was refused planning permission and subsequently dismissed

on appeal. Some minor alterations to the 2016 application are included which were introduced during the appeal process (relating to highway improvements).

Of the total 7.81 ha total site area, 5.03 hectares will be used for residential purposes. The maximum height of dwellings will be two storey and it is envisaged that the density of dwellings will likely vary across the site, with medium density towards the centre of the site and towards the site access points, and lower density towards the edges of the site. Of the remaining site area, 2.23 hectares will be used as green space, incorporating public open space, landscape and ecological buffers, a children's play area and on-site sustainable drainage systems including attenuation basins and swales. A Parameters Plan has been submitted which shows the access points and the areas of the site which will be developed and those which will be left as open space.

## **Supporting Documents**

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

- Planning application form
- Location Plan
- Parameter Plan
- Illustrative Layout Plan
- Leicester Road Site Access drawings
- Foston Road Site Access drawings
- Roundabout Scheme drawings
- Pre-development habitats plan
- Post-development habitats plan

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

- Archaeology and Heritage Statement – December 2023
- Air Quality Assessment – December 2023
- Biodiversity Net Gain Assessment and BNG Metric 4.0 – December 2023
- Agricultural Land Considerations – June 2016
- Archaeological Evaluation – October 2016
- Design and Access Statement – December 2023
- Ecological Appraisal – December 2023
- Flood Risk Assessment – December 2023
- Junction Capacity Assessment – Hospital Lane/Welford Road/Winchester Road and Western Drive/Winchester Road – May 2024
- Landscape and Visual Impact Assessment – December 2023
- Lighting Impact Assessment – November 2023
- Noise Impact Assessment – December 2023
- Odour Impact Assessment – December 2023
- Planning Statement – December 2023

- Phase 1 Site Appraisal – November 2023
- Phase 2 Site Appraisal Investigation Letter Report – June 2016
- Statement of Community Involvement – December 2023
- Sustainability Appraisal – November 2023
- Transport Assessment – February 2024
- Travel Plan – February 2024
- Tree Survey and Arboricultural Impact Assessment plans – November 2023

## **Environmental Impact Assessment**

The proposed development is considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as it comprises of an urban development project (10(b)) of more than 150 dwellings and the site area exceeds 5 hectares.

However, such projects are only classed as 'Environment Impact Assessment development' and require an Environmental Statement if the development is likely to have significant effects on the environment by considering the characteristics of the development, its location and the type and characteristics of the potential impact.

The District Planning Authority has carried out a Screening Opinion (ref. 24/01/EIASCR) and has concluded that an Environment Impact Assessment is not required. There is no evidence to suggest that the development would cause significant harm to the environment when judged against the selection criteria set out in Schedule 3 of the Regulations in terms of the characteristics of the development, the location and types and characteristics of the potential impact. It is also considered that all of the relevant material impacts of the development can be properly considered and adequately mitigated through the standard planning application process.

## **Planning Policy**

### **National Planning Policy Framework**

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

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

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

For decision-taking this means:

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

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

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

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

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

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

As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should

be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan in accordance with Paragraph 219 of the NPPF as they are consistent with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

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

Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

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

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

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

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

Policy CS1 sets out the overall strategy for locating new development in the district. It states that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester. Outside of the PUA it states that development will be focused within and adjoining Blaby and the Larger Central Villages (Enderby, Narborough, Whetstone and Countesthorpe) which contain a good range of services and facilities, access to a range of transport modes and which have a good functional relationship with higher order centres (including Leicester and Hinckley).

#### Policy CS2 – Design of new development

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

### Policy CS5 – Housing distribution

Policy CS5 provides the minimum housing requirements for settlements across the District. Countesthorpe has a minimum housing requirement of 520 dwellings across the Local Plan period from 2006 to 2029.

### Policy CS7 – Affordable housing

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

### Policy CS8 – Mix of housing

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

### Policy CS10 – Transport Infrastructure

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

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

### Policy CS11 – Infrastructure, Services and Facilities to support growth

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with infrastructure providers, grant funders and other delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigates any adverse impacts of development.

### Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases maintenance). Planning obligations and developer contributions will be guided by the Council's latest Planning Obligations and Developer Contributions SPD and other evidence of need.

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

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

### Policy CS14 – Green Infrastructure

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

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

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

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

### Policy CS18 – Countryside

Policy CS18 states that within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It states that planning permission will, however, be granted for limited small scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts. The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.

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

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

### Policy CS20 – Historic Environment and Culture

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

### Policy CS21 – Climate Change

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

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

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

### Policy CS22 – Flood risk management

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

- a) Directing development to locations at the lowest risk of flooding;

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

#### Policy CS23 – Waste

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

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

Policy CS24 indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

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

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

#### Updated Policy CS15 – Open space, sport and recreation

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

#### Policy DM2 - Development in the Countryside

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

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

#### Policy DM4 – Connection to Digital Infrastructure

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

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

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

#### Policy DM11 – Accessible and Adaptable Homes

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

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

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

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

## Policy DM13 – Land Contamination and Pollution

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

## **Leicestershire Highways Design Guide**

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

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

This Supplementary Planning Document outlines Blaby District Council's strategy for securing relevant developer contributions in relation to new development. It sets out when Blaby District Council will request contributions, whether for the District Council or on behalf of another service provider, and how the payments will be collected, distributed and monitored.

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

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

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

## **Blaby Landscape and Settlement Character Assessment (January 2020)**

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

## **Blaby District Council Open Space Audit (December 2015)**

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

## **Blaby Playing Pitch Strategy 2020**

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

## **Blaby Residential Land Availability Report (March 2023)**

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

## **Joint Strategic Flood Risk Assessment Final Report (October 2014)**

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

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

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

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

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

### **Material Considerations:**

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

- The principle of the development and 5-year housing land supply position
- Impact on the countryside and landscape/visual impact
- Affordable housing and housing mix
- Design and layout

- Transport and highway implications
- Flood risk and drainage
- Residential Amenities
- Developer contributions and infrastructure/ facilities
- Open Space, sport and recreation
- Loss of Agricultural Land
- Archaeology and historic environment
- Environmental Implications
- Ecology and Biodiversity
- Arboricultural implications

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

Policies CS1 and CS5 of Blaby District Council Core Strategy seek to ensure housing needs are met in the most sustainable way through a principle of 'urban concentration'. New development should be primarily focused within and adjoining the Principal Urban Area of Leicester (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe). However, provision is also made for the development needs of settlements outside the PUA.

Between 2006 and 2029, the District of Blaby is required to provide a minimum of 8,740 houses. Of the 8,740 houses, Policy CS1 states that at least 5,750 houses should be within or adjoining the Leicester PUA, with at least 2,990 houses to be provided in areas outside the PUA (the 'non-PUA').

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

Outside of the PUA, Policy CS1 states development should be focused within and adjoining Blaby and the Larger Central Villages (i.e., Enderby, Narborough, Whetstone and Countesthorpe), with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages.

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

Policies CS1 and CS5 identify Countesthorpe as a 'Larger Central Village' (along with the settlements of Enderby, Narborough and Whetstone). Countesthorpe has a

minimum housing requirement of 520 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement, 602 houses had been completed in Countesthorpe as of 31 March 2023, resulting in the minimum requirement having been exceeded by 82 dwellings. When taking into account completions and commitments, the figure is slightly higher, at 608 houses due to some small sites having planning permission but not having been completed.

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

The application site is located outside of the Settlement Boundary of Countesthorpe on land designated as Countryside on the Blaby District Local Plan Policies Map (2019). It is not an allocated site for housing development and in this context is contrary to the adopted Development Plan. However, there is currently an overall under delivery of houses within the District as a whole, with the Council only being able to demonstrate a 3.69-year housing land supply, notably less than the five-year supply requirement outlined in the NPPF. The policies of the Development Plan which relate to the supply of housing are therefore considered out-of-date and the 'tilted balance' towards approval as set out in paragraph 11d of the NPPF should be applied.

Paragraph 11 states that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, footnote 8 of the Framework establishes that housing policies which are important for determining the application may be out-of-date.

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

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

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

development throughout the District should be reduced reflecting the Council's lack of sufficient housing supply with respect to the 'tilted balance'.

The supporting text to Policy CS5 comments that Countesthorpe has both a primary and secondary school, with a reasonably diverse retail centre and a wide range of other services and facilities, along with a strong functional relationship with the higher order centres of Blaby and Leicester. The supporting text acknowledges, however, that Countesthorpe has no key employment sites and has received a significant level of growth in recent years which does not reflect its scale or its offer of employment facilities.

Whilst the lack of employment opportunities in the village is acknowledged, it does otherwise have a good range of services and facilities. The application site is relatively close to the village centre and primary school, although further from the secondary school. Furthermore, the proposed development would meaningfully contribute towards the shortfall of housing, including the provision of affordable housing, whilst providing financial contributions to mitigate the impact on local facilities and infrastructure. It is therefore considered that releasing this site would contribute towards the Council's required 5-year supply of housing as required by the NPPF.

It is recognised that the 'overprovision' of housing in one of the Larger Central Villages poses a risk of the spatial strategy of the district becoming out of kilter as it would concentrate residential development within the non-PUA. There comes a point where additional housing development far in excess of the minimum requirement for one of the Larger Central Villages will cause harm to the spatial strategy. However, it is not considered that this point is reached by this proposal. Some weight can be afforded to this consideration, but it is tempered by the fact that there is a lack of a five-year land supply.

### **Impact on the countryside and landscape/visual impact**

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

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

Policy CS18 states that in the countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It requires the need to retain countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations.

Policy DM2 provides more specific policy guidance for development that is appropriate in the Countryside, consistent with Policy CS18. Policy DM2 permits only certain categories of residential development in the Countryside, including those dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment,

and leisure, or other similar uses appropriate to a rural area and replacement or the change of use, adoption and extension of existing dwellings.

The site does not fall under any of the categories identified in Policy DM2 and is contrary to both policies CS18 and DM2. The purpose of these policies is to protect the open and generally undeveloped nature of the countryside. Neither does it fit with any of the specified development types appropriate in countryside locations in the NPPF. However, as noted previously the policies set out in the Local Plan and the NPPF should be applied flexibly in the context of the 'tilted balance' given the identified housing land supply position and given that new housing sites to meet the lack of supply will, in most instances, need to be outside of existing settlement boundaries within the Countryside.

Policy DM2 sets out criteria to be met for development proposals consistent with Policy CS18. This includes that the development shall be in keeping with the appearance and character of the existing landscape, development form and buildings, having regard to the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence.

A Landscape and Visual Impact Assessment has been submitted with the application. This identifies that the site lies within the National Character Area of Leicestershire Vales (NCA 94). It is described as an open, uniform landscape of low-lying vales and varied river valleys. Settlements visually dominate the area and views towards surrounding higher ground is characteristic. The Leicester, Leicestershire and Rutland Landscape Strategy further defines the site as being located within the Upper Soar Area which has a predominantly open and rolling landscape with influences from Leicester and settlements to the south. It states that adjacent to urban areas the landscape character becomes more fragmented and forms a transitional zone between rural and urban. Locally, in the Blaby Landscape and Settlement Character Assessment, the site is situated in the Blaby, Countesthorpe and Whetstone Fringe Character Area which covers much of the urban fringe landscape character type surrounding the several settlements in the area.

The submitted report states that the proposed development would have moderate effects on landscape character, mostly confined to the site and its immediate context. The change to the character of Countesthorpe would primarily be that the existing 'abrupt' edge to the village would become a more gradual transition. The main visual effects would be on residents living in the houses overlooking the site, users of Foston Road and Leicester Road and the public footpath. From such locations the effects would be major-moderate, with the proposed development visible at close range.

The report concludes that whilst there are very localised significant visual effects, none of the effects would be, in landscape and visual terms, unacceptable.

It is acknowledged that the previous planning application on the site was refused due to the development representing an unwarranted intrusion of urban development beyond the well-defined edge of the settlement which would cause significant harm to the character and appearance of the landscape and character of the village. However,

during the subsequent appeal, the Planning Inspector did not upload this view and commented as follows:

*“I also find that the proposed development would not have a significantly harmful effect on the character and appearance of the area. I acknowledge that the Council’s Landscape Character Assessment identifies the importance of continued retention of hard edged boundaries between the urban edge of the village and the surrounding countryside. Layout is not a matter before me, nevertheless I see no obvious reason why a suitable scheme submitted at reserved matters stage would not be capable of successfully integrating with and reinforcing the hard boundaries between the village and the open countryside.*

*The proposed development would be highly visible when viewed immediately from Foston Road and Leicester Road as well as from a public footpath to the north of the site, and less so from other identified viewpoint locations. However, the main parties agree that an effective landscaping and tree planting scheme would, in the fullness of time, successfully integrate the development with its urban and rural surroundings, and I have no reason to disagree.”*

Whilst it is acknowledged that the proposed development would result in some harm to the landscape character and visual impacts locally, it is not considered that an objection on these grounds could be sustained.

### **Affordable housing and housing mix**

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

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

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

Policy CS7 seeks to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. The most up to date information on affordable housing need is set out in the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) 2022. This shows a marked increase in need for affordable housing and this is a material consideration which should be considered in the planning balance. The HENA shows that a total of 536 affordable houses per year (including 341 per year as social and affordable rented and 195 as affordable home ownership) are required to meet the District Council’s affordable housing need. It is unlikely that this level of delivery will be viable or deliverable but it highlights the growing need for affordable housing in the district. The proposed development will provide a policy compliant 25% of the dwellings as affordable homes (43 dwellings) which weighs in favour of the development and will help to address the shortfall in the District.

Policy CS8 states that residential developments of 10 or more dwellings should provide an appropriate mix of housing type (house, flat, bungalow), tenure (owner-occupied, rent, intermediate) and size (bedroom numbers) to meet the needs of existing and future households in the District, taking into account the latest Strategic Housing Market Assessment and other evidence of local need. As the application is in outline form, the application does not set out the proposed mix at this stage.

The Council's Housing Strategy team has provided a 'Housing Mix Requirements Assessment' (February 2024) which provides detailed analysis and conclusions relating to both the affordable and market housing. The assessment provides a recommended affordable and market mix for the development. The preferred mix is based on achieving a balance of larger homes and sufficient supply of smaller homes. Bungalows are also in demand in both for rental and open market. The preferred mix also is intended to help close the gap between smaller entry level homes and larger homes, of which there is already a larger supply at both parish and district level.

<b>Market Mix Based on 127 Units</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Bunglaow</b>
<b>Market</b>	<b>6</b>	<b>35</b>	<b>47</b>	<b>31</b>	<b>8</b>
	<b>5%</b>	<b>26%</b>	<b>37%</b>	<b>25%</b>	<b>7%</b>

<b>Affordable Mix Based on 43 Units</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Bunglaow</b>	<b>Total</b>	<b>%</b>
<b>Social Rent</b>	<b>8</b>	<b>14</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>38</b>	<b>80%</b>
<b>Shared Ownership</b>			<b>4</b>	<b>1</b>		<b>5</b>	<b>20%</b>

The provision of 25% of the dwellings as affordable housing will be secured through the Section 106 agreement. A condition will also be included on any grant of planning permission requiring an appropriate mix of affordable and market housing. The exact size of dwellings and tenure breakdown for the affordable housing will be agreed as part of a subsequent reserved matters application, with the above preferred mix forming a baseline for discussions with the Council's Housing Strategy team.

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

### **Design and layout**

Policies CS2 and DM2 seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character, and ensuring that design contributes towards improving the character and quality of an area and the way it functions. They further seek to create places of high architectural and urban design quality to provide a better quality of life for the district's local community. It is considered that Policies CS2 and DM2 are consistent with the NPPF paragraph 131 and can therefore be given full weight.

The application site is located on the northern edge of Countesthorpe, with residential development to the west and south and is therefore in an urban fringe location with a semi-rural character. The existing properties to the south on Foston Road are a mix of older terraced and larger detached properties, using red brick and render. To the west, fronting Leicester Road are more modern detached properties off Jubilee Way, again built of red brick and render and set back behind a hedgerow.

The illustrative layout plan shows a generous provision of open space on the north, northeast and east edges of the site which border onto the surrounding countryside, along with landscaping to the site boundaries to separate the development from the remainder of the existing agricultural field and soften the visual impact of the development.

The illustrative layout plan shows that the proposed development would provide a defined street hierarchy with defined perimeter blocks and a tree lined central street which zig zags through the development between the two access points. This would give a sense of enclosure when within the site but also provides clear navigation through the development. The plan shows how the existing street scenes would be addressed, with the potential for landmark buildings on key frontages and corner plots. On the countryside edge, the development would be lower in density, helping to soften the urban-rural fringe.

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

### **Transport and highway implications**

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

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

### **Site Access**

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

The application proposes two vehicular access points, one from Leicester Road and one from Foston Road. In addition, the application proposed significant alterations to the junction of Leicester Road and Foston Road. This will see the westernmost part of Foston Road realigned with a new, larger roundabout proposed to replace the existing mini roundabout. The new roundabout will be built further to the north on Leicester Road and will incorporate the access to Ladbroke Grove which is currently approximately 25 metres to the north of the mini roundabout. The original part of Foston Road will remain as a service road to provide access and parking to the properties at the western end of Foston Road. The new roundabout which will connect Leicester Road, Foston Road and Ladbroke Grove will contain a number of pedestrian crossing points to ensure pedestrian safety. In addition, plans have been submitted showing proposed Foston Road/ Welford Road priority T-junction. The works here propose a widening of the carriageway on the exit from Foston Road in order to accommodate queuing vehicles turning both left and right.

### Trip generation and distribution

A Transport Assessment and Travel Plan have been submitted with the application, alongside a number of drawings showing the accesses to the site, proposed roundabout junction and tracking drawings. The Transport Assessment assesses the proposed traffic generation from the development and traffic distribution on the highway network. In calculating trip rates, the Transport Assessment uses the mode share for car drivers recorded in the 2011 census (76%). Although the trip rates are lower than those predicted for other nearby applications, the LHA is content that this trip rate assessment is more robust. The vehicular trips generated by the proposed development have been distributed on the network using Census Journey to Work data (2011) for the Blaby 011 Middle Super Output Area. The LHA is content that the proposed trip distribution is consistent with that proposed for previous application 16/0843/OUT.

### Junction assessments

Based on the traffic distribution, off-site junction assessments for the following junctions were carried out, taking into account 2024 flows, and 2029 flows with and without development:

- Leicester Road/Foston Road mini roundabout (Countesthorpe)
- Leicester Road/Hospital Lane signalised priority junction (Countesthorpe)
- Countesthorpe Road/Blaby Road/ St Thomas Road/ Saffron Road staggered signalised junction (South Wigston)
- Foston Road/ Welford Road priority junction (Kilby)

Following the Local Highway Authority's (LHA's) initial consultation response, a junction assessment for the following junction was also requested (given the flow diagrams show that 30 passenger car units (PCUs) would travel along Hospital Lane towards Blaby in the AM peak):

- Hospital Lane/ Welford Road/ Western Drive/Winchester Road double mini-roundabout (Blaby)

The LHA also advised consultation with the City Highway Authority given that more than 30 PCUs would travel along Saffron Road towards Leicester. However, the applicant has indicated that although this would be the case at peak times, it is likely that some vehicles would dissipate along side roads or to employment areas of Saffron Road meaning the number of vehicles arriving at any major junction which could require improvements would be lower.

The LHA's initial consultation response in March 2024 expressed concern that the application did not fully assess the highway impact of the development and requested further information. The Local Highway Authority's subsequent response in June 2024 considered highway impacts would not be severe, in line with paragraph 115 of the NPPF.

The LHA has considered both vehicular accesses to the site, taking into account vehicle speeds, access geometry, vehicle tracking and visibility splays, and considers that both accesses are suitable and appropriate in terms of highway safety. In addition to the vehicular access, the existing Public Right of Way (Footpath Z23) would connect to the proposed roundabout junction and provides an additional pedestrian access into the site.

The LHA has analysed the junction capacity assessments submitted which are summarised below:

#### *Leicester Road/Foston Road/Ladbroke Grove proposed roundabout*

The LHA is content that the ratio flow to capacity for this proposed junction does not exceed 0.85 (the level at which 'severe impact' starts to occur) and therefore the junction would operate within capacity in the future 2029 year with development. The LHA is also content with the splitter islands (pedestrian refuges) on the roundabout, that these would be of a suitable width to accommodate cyclists and pedestrians. The LHA is also satisfied with the proposed service road on Foston Road and altered access to existing properties here. Finally in relation to this proposed junction, the LHA is content with the tracking drawings submitted for the roundabout which indicate that all types of vehicle can navigate the roundabout safely.

#### *Foston Road/ Welford Road priority T junction*

The LHA initially commented that this junction would operate close to its practical limit of capacity in the current and future year scenarios. The Transport Assessment queries whether the mitigation works proposed at this junction in application 16/0843/OUT would still be necessary. The junction capacity assessment results were significantly different from those produced for 16/0843/OUT and therefore the LHA requested clarification on how the differences had come about. The subsequent Technical Note submitted indicated that the differences are explained by the differences in the base models. The 2024 base model has been calibrated against the existing observed queues surveyed on the same day as the traffic count, and that the predicted queues imitate those observed which validate the model. The LHA is content with this and on this basis, the LHA is content that, although initially put forward by the applicant, no off-site mitigation is required at this junction.

### *Hospital Lane/ Welford Road/ Western Drive/ Winchester Road double mini roundabouts*

The results for this junction indicate that the Welford Road (north) and Hospital Lane arms of the junction currently operate above capacity, which would be worsened in the future year and worsened slightly further with the proposed development. However, given the baseline situation in 2029, the LHA cannot demonstrate that the deterioration in the performance of the junction once the development flows have been added would justify a scheme of mitigation.

### *Leicester Road/ Hospital Lane signalised T-junction*

The Leicester Road South and Hospital Lane arms of this signalised T-junction are shown to operate above capacity during the AM peak hours in all scenarios, which is worsened by the proposed development. The results are broadly similar to those accepted under application 16/0843/OUT. Since the proposed development has been shown to worsen capacity at this junction, the LHA requests that the MOVA unit/licence is upgraded to the latest version. This would cost approximately £11,500 and could be secured by a Section 106 agreement. MOVA means Microprocessor Optimised Vehicle Actuation and is a system which assesses the traffic flows on each arm of a junction and then calculates which arm should be allocated green time to maximise the throughput of the junction.

### *Countesthorpe Road/ Blaby Road/ St Thomas Road/ Saffron Road signalised staggered junction*

This junction is shown to operate above capacity in the future year with development during the AM peak hours. This was not the case with the previous planning application 16/0843/OUT. Given the proposed development would push the junction over capacity in the future year, the LHA requests that the MOVA unit/ licence is upgraded to the latest version.

### Walking, cycling and wheeling

The Transport Assessment indicates that most of the village is within a 2 kilometre walking distance of the site. A range of services and facilities are accessible within this distance, including local shops, education facilities, health facilities, places of worship, parks and recreational facilities. It also indicates that Countesthorpe, South Wigston, Blaby and most of Whetstone, Glen Parva and Wigston are within a 5 kilometre cycle ride.

The LHA initially requested in March 2024 that further consideration be given to improving walking, cycling and wheeling infrastructure for the site, with improvements to the footpath along the northern side of Foston Road to connect the roundabout, site access and garden centre, and to the footpath along the eastern side of Leicester Road to connect the roundabout, site access and Meadows Sports Ground.

In the June 2024 response, the Local Highway Authority welcomed the provision of a shared footway/ cycleway along the eastern side of Leicester Road to connect to Meadows Sports Ground. Whilst there is some localised narrowing of this route to 2.5

metres due to highway boundary constraints, the LHA accepts that this is a constraint which cannot be overcome and does not raise highway safety issues.

The LHA notes that no improvements to the footpath along the northern side of Foston Road have been proposed. However, given the proposed improvements along Leicester Road, in conjunction with the crossing facilities proposed at the Foston Road access to the existing footway on Foston Road, the LHA does not consider this to be unacceptable. It is also noted that a 'recreational route' within the site is proposed which could link up to the existing footpath on the north side of Foston Road, just to the west of the garden centre.

### Public transport

The LHA comments that there are bus stops on Leicester Road which have frequent services to Leicester, Blaby and South Wigston. The LHA recommends that the first residents of each dwelling be offered up to two free bus passes valid for six months to be secured by way of Section 106 agreement. The nearest railway station in South Wigston is 3 kilometres from the site. The LHA considers it is unlikely that a substantial number of future residents will commute by rail, although acknowledges that this is possible.

### Travel Plan

The LHA has reviewed the submitted Travel Plan and considers it to be acceptable.

The LHA requests contributions to secure the following:

- Travel Packs – to inform new residents from first occupation what sustainable travel choices are available in the surrounding area.
- Six month bus passes – to encourage new residents to use bus services and to establish changes in travel behaviour from first occupation.
- A Travel Plan monitoring fee of £6,000 to enable Leicestershire County Council to provide support to an appointed Travel Plan co-ordinator.
- A contribution of £11,500 towards MOVA upgrades and validation at the Leicester Road/ Hospital Lane signalised T-junction.
- A contribution of £11,500 towards MOVA upgrades and validation at the Countesthorpe Road/ Blaby Road/ St Thomas Road/ Saffron Road signalised staggered junction.

### **Flood risk and drainage**

Paragraph 173 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 of the Core Strategy states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.

The application site is located entirely within Flood Zone 1, being at a low risk of flooding from rivers, and is at a very low risk of surface water flooding. Nevertheless, due to the size of the application site which exceeds a hectare, a Flood Risk Assessment has been submitted.

The proposals seek to discharge surface water from the site at 9.6 l/s via a swale and an attenuation basin to the on-site watercourse. The swale connects to the northern half of the proposed surface water drainage only. The Lead Local Flood Authority (LLFA) has been consulted and has no objections to the proposals but comments that the applicant should consider proposing other source control SuDS (Sustainable Urban Drainage Systems), such as permeable paving, in the southern half of the site to provide equivalent treatment for drainage across the development and to ensure compliance with Policy CS22.

The LLFA comments that due to flooding within the downstream catchment, the LLFA would expect the applicant to ensure all avenues are explored to minimise any increase in run-off volume leaving the site.

Regarding foul water drainage, the Flood Risk Assessment states that foul water will be conveyed by a gravity sewer system to an existing public combined water sewer located east of the site. The foul water connection into the existing network will be subject to the submission of an agreement under the Water Industry Act and approval from Severn Trent Water.

It is noted that a number of objections to the planning application raise issues regarding flood risk, in particular referencing recent flood events during the winter of 2023/24 and a number of roads being cut off by flood water. It is acknowledged that a number of roads which future residents of the development may use can become impassable during flooding events, including Countesthorpe Road at Crow Mill in South Wigston, the A426 Leicester Road under the railway bridge at Glen Parva, Foston Road at the crossing of the Countesthorpe Brook, and surface water flooding in Winchester Road and Hospital Lane in Blaby. Local residents have referenced that at times the majority of routes in and out of Countesthorpe were impassable. Whilst the potential disruption this would cause to future residents is acknowledged, this disruption occurred over relatively short periods of time and that the flooding occurred during a particular wet winter, during which the ground was permanently saturated from previous rainfall events. There is also no indication that the application site itself flooded, or that the proposed development would worsen flood risk off site.

Overall, it has been demonstrated that the flood risks to the development can be managed, without increasing flood risk elsewhere, and will not result in an increase in flood risk off-site.

### **Residential Amenities**

Policy DM2 seeks to ensure that development consistent with Policy CS18 provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

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

The proposed development is located adjacent to the settlement boundary of Countesthorpe, and so would be located in reasonably close proximity to some existing residential properties, in particular those fronting onto Foston Road and Leicester Road (although would be separated by the existing highway) and therefore the new dwellings would be in excess of 25 metres away from existing dwellings at the closest point. The illustrative plan shows that the suitable orientation and separation distances of dwellings is achievable within the development to ensure the protection of the amenities of future occupiers of the site.

It is acknowledged that there is likely to be an impact on existing residents arising from additional vehicular activity as a result of traffic movements and headlights from vehicles leaving the development, particularly at the dwellings opposite the proposed accesses, especially on Foston Road. However, the presence of a property opposite a junction is not unusual. Furthermore, Foston Road and Leicester Road are already relatively highly trafficked roads and it is not considered that the projected increase in traffic created by the development would have an unacceptably adverse effect in terms of noise and vibration.

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

### **Developer contributions and infrastructure/ facilities**

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of development. Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases maintenance).

All contributions must meet the requirements of Section 122 of the Community Infrastructure Levy Regulations 2010, i.e. they must be:

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

A request for funding towards primary education provision, special educational needs and disability provision (SEND), early years education provision, library services, and civic amenity and waste facilities was received from Leicestershire County Council. Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB) has also requested a financial contribution for use at an existing GP surgery and/or to develop alternative primary/community healthcare infrastructure that will be directly impacted

due to the increase in population linked to this housing development. Leicestershire Police requests a contribution to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet with new demand. Countesthorpe Parish Council have also provided a consultation response (in Appendix 2) which recommends contributions for a number of services and facilities. Many of these are dealt with through the contributions set out below.

### Education provision

Regarding primary education, the development will yield 51 primary aged children. When taking into account primary schools within a two-mile walking distance from the development there is an overall deficit of 10 places if the development goes ahead. Therefore a partial request for contributions in respect of the primary education sector of £183,356.00 is justified.

Regarding secondary education, the development will yield 34 secondary aged children. However, a contribution in respect of secondary education will not be required as there is still a surplus of 279 places in schools within a 3 miles radius of the development if the development goes ahead.

Regarding SEND education, the development will yield 2 SEND children. There is an overall deficit of 75 places within SEND schools within a two mile radius and therefore a full request for contributions towards SEND of £95,962.33 is justified.

Regarding early years, the development will yield 14.45 early years children and there are no surplus places within a one mile radius of the site. Therefore a full request for contributions towards early years education of £265,244.20 is justified.

The contributions sought are to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities.

### Libraries

The nearest library to the development is Countesthorpe library and it is considered that the development will create additional pressures on the availability of facilities at that library and others nearby. A contribution of £5,133.61 is sought to provide improvements to the library and its facilities.

### Waste contribution

A contribution of £4,057.90 is sought to be used for site reconfiguration, including the development of waste infrastructure to increase the capacity of the Whetstone Household Waste and Recycling Centre (HWRC), or any other HWRC directly impacted by the development.

### Health Care

The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £131,648.00 for GP surgeries to help mitigate/ support the needs arising from an increase in population. The ICB requests that the funding is allocated

for use either at any named GP Surgery or to develop alternative primary/ community healthcare infrastructure that will be directly impacted. It is understood that it may not be possible to further expand the nearby Countesthorpe Health Centre on its existing site and therefore the ICB request a flexible approach to the use of the funding.

### Police

Leicestershire Police requests a contribution of £25,070 to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet the new demand generated by the development. The Force indicate that the funding will be used for equipment, police vehicle charging points, ANPR and identification technology, crime reduction equipment, infrastructure and estate support and new technological developments.

### **Open Space, sport and recreation**

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

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

Updated Policy CS15 standards for the provision of open space, sport and recreation per 1000 population in the District, and indicates that these standards will be used to ensure that development proposals provide sufficient accessible open space, sports and recreation, taking into account any local deficiencies. It states that new on-site provision or, where appropriate, financial contributions to improve the quality of, or access to existing open space, sport and recreation facilities, will be expected and commuted maintenance sums will be sought. Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document includes guidance to support the Local Plan in relation to open space, sport and recreation requirements for developer contributions. Its states that open space and play facilities should normally be provided within the development but recognises that open spaces of less than 2200 square metres in size are of limited recreational value, are expensive to manage and maintain, often lead to conflict with neighbours and therefore have little overall community benefit.

### On-site open space provision

Based on the requirements of Policy CS15, the following amounts of public open space required to serve the development have been calculated. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of 170 dwellings would have a total population of 408 people). This is consistent with the

average estimated household sizes in the 2021 Census where the average household size is 2.41 for England, 2.4 for Leicestershire, and 2.42 for Blaby District.

The Parameters Plan indicates that a total of 2.23 hectares of open space will be provided on site, predominantly along the north, northeast and east edges of the site. The on-site open space comprises the parks and recreation, natural green space, informal open space, and children and young people’s space. No outdoor sports space, allotments or cemeteries are proposed on the site.

<b>Type of open space</b>	<b>Amount per 1000 population in ha (Delivery DPD figures)</b>	<b>Amount for development in ha (408 population)</b>	<b>Actual Provision in ha</b>
Parks and Recreation	0.23	0.094	Total on site provision provides for play areas, formal and informal open space and areas for biodiversity net gain. Also includes SuDS features.
Natural Greenspace	2.6	1.061	
Informal Open space	1.0	0.408	
Children and Young People’s Open space	0.06	0.024	
<b>TOTAL</b>		<b>1.587</b>	<b>2.23</b>

The overall amount of open space proposed exceeds the requirement of 1.587 hectares for those open space typologies being provided for on site. The areas of natural green space will include SuDS features which may not necessarily be fully usable to the public but will still form an open space on the site which can be appreciated by residents. The open space will also include areas which may require specific maintenance or limited public access for Biodiversity Net Gain (BNG) purposes. The specific habitats to be provided are shown in the Proposed Habitats Plan in the Biodiversity Net Gain Assessment report. Nevertheless, the ample provision of open space on site would help to provide a high-quality development and create a pleasant environment for future residents.

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

Off-site open space contributions

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

### *Sports provision*

Whereas the original Policy CS15 in the Core Strategy set a standard in hectares for outdoor sports provision per 1000 population, the Updated Policy CS15 in the Delivery DPD instead refers to the Open Space Audit for guidance on quantity and quality requirements. The Open Space Audit was produced in 2015 for the Council and was the evidence that informed the Updated Policy CS15. In relation to outdoor sports provision, the audit provides detailed evidence in relation to various sports and playing pitch types. However, the accompanying text to Policy CS15 states that the quantity and type of provision will be assessed on a site-by-site basis, taking into account the scale and location of development, the Open Space Audit data, and other relevant Council strategies and policies.

The Council's Health and Leisure team has therefore used Sport England's Playing Pitch Calculator and the Council's Playing Pitch Strategy which are more up to date evidence to identify the additional demand for sports facilities as a result of the development. A contribution of £237,484 is sought and it is recommended that this is used for the development of 3G pitches at Meadows Sports Ground or Countesthorpe Academy, improving pitch quality at Meadows Sports Ground, and improved changing facilities at Countesthorpe Academy.

### *Allotments*

Updated Policy CS15 of the Delivery DPD sets a standard of 0.25 hectares per 1000 people for allotments, meaning the development would result in a requirement for 0.102 hectares of additional allotment space. The Open Space Audit 2015 identifies that the existing standard for allotments in Countesthorpe is 0.36ha per 1,000 people, in excess of the policy requirement. However, given these figures are at least 9 years old and the population of Countesthorpe is likely to have increased and will increase further as a result of the development, a contribution for allotments could be reasonable. Further discussion with the allotment society is required and so a contribution could be sought (subject to a need being demonstrated). If there is not a need, this contribution will not be justified.

### *Cemeteries*

Updated Policy CS15 of the Delivery DPD sets a standard of 0.21 hectares per 1000 people for cemeteries, meaning the development would result in a requirement for 0.086 hectares of additional cemetery space. The Open Space Audit 2015 identifies that the existing standard for allotments in Countesthorpe is 0.31ha per 1,000 people, in excess of the policy requirement. However, given these figures are at least 9 years old and the population of Countesthorpe is likely to have increased and will increase further as a result of the development, a contribution for cemeteries could be reasonable. Further discussion with the parish council is required and so a contribution could be sought (subject to a need being demonstrated). If there is not a need, this contribution will not be justified.

## **Loss of Agricultural Land**

The NPPF expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Agricultural land is graded into 5 categories ranging from grade 1 (excellent quality agricultural land) to grade 5 (very poor quality). Grades 1, 2 and 3a (grade 3 is subdivided in to two grades) is the land which is defined as the best and most versatile. In order to ensure this land is protected where necessary planning authorities are required to consult Natural England on applications which would result in the loss of 20ha or more of such land. Below this threshold it is for the planning authority to decide how significant the agricultural land issues are.

The application included an Agricultural Land Considerations Report which found that all of the land within the development site was classified as grade 3a agricultural quality (7.8ha). Whilst this is the same report submitted for the 2016 planning application, it is not considered that the agricultural quality of the land is likely to have changed in the intervening period.

The local authority is required to consider the significance of the loss of the land and its wider economic implications. Given that the initial consultation of Natural England starts at 20ha it is considered that this is an indication of what is meant by a “significant loss” of agricultural land. The application scheme proposes the removal of approximately 7.8ha of land from the agricultural category. Whilst the loss of a portion of the best and most versatile agricultural land is undesirable it is not considered that a reduction of 7.8ha from the total stock would have wide ranging economic implications for the area and there is no evidence to suggest that it would unduly impact on the viability of the occupying farm business. The loss of this high grade agricultural land is not therefore considered sufficient to warrant the refusal of the application in its own right or conflict with the principles of the protection of such land set out in the NPPF.

## **Archaeology and historic environment**

Policies CS20 and DM12 seek to preserve and enhance the cultural heritage of the District and recognise the need for the Council to take a positive approach to the conservation of heritage assets. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

An Archaeology and Heritage Statement has been submitted with the application. This indicates that the application site lies approximately 250 metres from the edge of the Countesthorpe Conservation Area and the closest listed building (a Grade II listed workshop behind no.58 Wigston Street) is a similar distance away from the edge of the site, lying just within the conservation area. Approximately 500 metres to the south of the site is the Grade II listed St Andrews Church, at the heart of the conservation area. The parish church sits above surrounding properties in its walled churchyard. It is considered that the application site is satisfactorily screened from these historic assets by existing development and vegetation and as such the proposed

development is unlikely to have an impact on the significance of designated heritage assets (listed buildings and the conservation area) within Countesthorpe.

Further afield, approximately 1.5 km to the southeast is the Grade II\* listed St. Bartholomew's Church. However, the proposed development is not considered to have any impact on this listed building due to the distance and the lack of intervisibility, with an area of woodland, and existing buildings and agricultural land in between. From parts of the site, a tall church spire is, however, visible to the north, belonging to All Saints Church, a Grade I listed church in Wigston. The church is approximately three kilometres from the northern edge of the site and as such it is not considered that Countesthorpe contributes to the setting of Wigston's church. Even with visibility from the tower, Countesthorpe is at such a distance that a view of two storey housing would simply be maintained should the site be developed, with Countesthorpe's church tower rising above it. As such, the proposed development is not considered to impact on the setting of any designated heritage assets further afield from the site.

The report also considers archaeological interest on the site and comments that geophysical survey suggests low archaeological potential for the site. The site was, however, subject to trial trenching in late 2016 at the time of the previous planning application. It indicates that only a small number of undated features were revealed across sixteen trenches, with the investigation indicating that the site had been subject to truncation from cultivation. The 2016 Archaeological Evaluation has been submitted with the current application. The Leicestershire County Council Archaeology team has been consulted and has indicated that the site warrants no further archaeological action.

The application is therefore considered to comply with Policy CS20 of the Core Strategy and Policy DM12 of the Delivery DPD.

## **Environmental Implications**

### Noise

A Noise Assessment for the proposed residential development has been carried out. This identifies that the dominant noise sources affecting the proposed development is road traffic on Leicester Road and Foston Road. The assessment concludes that with appropriate design and mitigation measures, significant adverse noise impacts at the development will be avoided, and any adverse impacts can be mitigated and minimised.

The Council's Environmental Services team has reviewed the report and are satisfied with the monitoring of existing noise levels and that the overall assessment appears to be reasonable. It is advised that the applicant includes the recommendations in the working up of a more detailed layout and building design.

### Light

A Lighting Assessment Report has been submitted with the application. The report assesses the baseline conditions and identifies the floodlighting to the north of the site at Meadows Sports Ground. Whilst an assessment of the impact of the floodlighting

at Meadows Sports Ground on the future residents of the site has not been carried out, it is noted that an area of public open space will be immediately adjacent to the southern end of the sports pitches and will therefore form a buffer to residential properties. Furthermore, the southern-most pitches at the sports ground are not illuminated by floodlights

The report states that the proposed lighting solution for the development will be sympathetic to the local surroundings to avoid over lighting, sky glow and glare. It advises that the proposed lighting solution for the residential areas should be based on BS5489-1:2020 Class P4 scheme (for low traffic flow). The overall impact of the lighting to the site is identified to be minor adverse.

The Council's Environmental Services team has reviewed the report and considers it to be acceptable. It is advised that the applicant includes its recommendations in the working up of a more detailed layout and building design.

### Odour

An Odour Impact Assessment has been submitted with the application. This assesses the odour impacts from the nearby Severn Trent Sewage Treatment Works to the north. The observations from monitoring carried out over three days indicates that the odour effect at the application site is likely to be negligible. The absence of complaints data also indicates that the odour effect at existing sensitive receptors in the vicinity of the application site is insignificant.

The Council's Environmental Services team has reviewed the report and consider this to be acceptable, based on the current layout.

### Contamination

A Phase 1 Contaminated Land Report has been submitted with the application. The northern edge of the application site is within the 250 metre buffer zone of an historic landfill site at Rose Farm Business Park.

The Council's Environmental Services team has been consulted and comments that whilst the report does not raise any significant issues, it recommends that further investigations are carried out prior to development, and advises that a Phase 2 Report is submitted at reserved matters stage with the layout.

### Air Quality

An Air Quality Assessment has been submitted which assesses the impacts of the development both during construction and operational phases. During construction, the most important consideration is dust, but the report indicates that with appropriate mitigation measures set out in the report, the risk of adverse dust effects is reduced to a level of 'not significant'. For the operational phase, changes in the level of road vehicle emissions are the most important consideration. However, the operational impact of the proposed development on existing receptors is considered to be negligible. The air quality effects of the development are considered to be not significant overall.

The Council's Environmental Services team has been consulted on the report. They initially commented that the monitoring only considered one of Blaby District Council's continuous monitors, referenced as CM1 to provide annual averages of PM<sub>10</sub> particulates, and did not consider Nitrogen Dioxide (NO<sub>2</sub>). In addition, another continuous monitoring station which monitors both PM<sub>2.5</sub> and NO<sub>2</sub> was not used. A revised Air Quality Assessment was submitted which includes data from both monitoring stations CM1 and CM5 which is welcomed and no further information is required.

### Construction Impacts

The Council's Environmental Services team advises that a suitable Construction Environmental Management Plan (CEMP) will need to be submitted for consideration and approval. In addition to air quality related issues during construction, the CEMP will need to address the site operating hours, deliveries to site, noise/vibration and lighting for the construction phase. This document can be combined with the Construction Traffic Management Plan requested by the Local Highway Authority.

### **Ecology and Biodiversity**

#### Ecology appraisal

An Ecological Appraisal has been submitted with the application, based on the results of a desktop study, Phase 1 habitat survey and a number of detailed protected species surveys.

The available information confirms that no statutory nature conservation designations are present within or adjacent to the site. A non-statutory designation is located within close proximity to the site boundary. This is the Glebe Garden Centre Ash Trees candidate Local Wildlife Site (cLWS) located approximately 12m from the eastern site boundary at the closest point. The cLWS is designated for the three large mature Ash *Fraxinus excelsior* trees. The next nearest non-statutory designation is Countesthorpe Cemetery cLWS, located approximately 10m to the south of the site. However, these sites are not considered to be adversely affected by the proposed development. No other designations within the surrounding area are likely to be adversely affected by the proposals.

The Phase 1 habitat survey has established that the site is dominated by habitats not assessed to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.

The habitats within the site potentially support a small number of protected species, including species protected under both national and European legislation (birds and the potential for bats in trees and hedgerows). Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.

The Leicestershire County Council ecologist has no objection to the proposed development, indicating that the site has relatively low ecological value and no evidence of protected species was recorded. The ecologist recommends the incorporation of bird and bat boxes into the new dwellings, which will need to be shown on the submitted plans.

### Biodiversity Net Gain

Biodiversity net gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

A Biodiversity Net Gain Assessment has been submitted which indicates that, despite the application being submitted prior to the introduction of a mandatory 10% BNG, the site is capable of providing an on-site net gain of 25.11% in habitat units and 35.15% in hedgerow units.

The BNG assessment utilises the Metric 4.0 calculation. Although mandatory BNG now requires the use of the Statutory BNG Metric, this is acceptable given the application was submitted prior to the introduction of mandatory BNG. To establish the habitat baseline, broad habitat areas have been identified based on the survey work undertaken at the site. The post-development habitat creation and enhancement is based on the Illustrative Layout Plan and Parameter Plan. A number of assumptions have been made in terms of the detailed landscaping and management proposals, based on comparative developments and what is realistic and feasible under the proposed land uses and landscape space types. The Leicestershire County Council ecologist has advised that the BNG metric will need to be updated at reserved matters stage if the layout and landscaping changes. A Landscape and Ecological Management Plan (LEMP) will be used to secure the BNG provision and ensure appropriate management of the habitats created for a period of 30 years.

### **Arboricultural implications**

A Tree Survey has been submitted which considers the arboricultural impacts of the development. The plans show that in order to implement the development, three individual trees would be required to be removed, one close to the Foston Road access and two in the vicinity of the proposed roundabout. In addition, some sections of existing hedgerow would require removal to implement the roundabout and both access points.

The Leicestershire County Council arboriculturalist comments that the majority of the trees on the site can be retained as these are concentrated on the northwest and eastern boundaries. Although the small loss of trees and loss of sections of hedgerow is unfortunate, this is being more than compensated for through proposed additional planting, both to the Foston Road/Leicester Road frontage close to the proposed roundabout and on the north, northeast and east boundaries where the existing open edge of the site is to be enclosed with landscaping to demarcate the site from the remaining agricultural land.

## Overall Planning Balance and Conclusion

In conclusion, when determining planning applications, the District Planning Authority must determine applications in accordance with the Development Plan unless material considerations indicate otherwise. However, as set out in the report above, it is acknowledged that the Council can only demonstrate a 3.69-year housing land supply. The NPPF, which is a material consideration in decision making, requires that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites cannot be identified then the provisions of paragraph 11 of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

The proposed development would provide 170 dwellings, including 43 affordable dwellings on a site which adjoins the Settlement Boundary of Countesthorpe, a Larger Central Village. The spatial strategy set out in Policy CS1 of the Core Strategy outlines that outside the Principal Urban Area development will be focused within and adjoining Blaby and the Larger Central Villages and therefore whilst the focus is on development in the PUA, sites adjoining the Larger Central Villages are set out as being appropriate locations for housing development in the spatial strategy. However, as the site is classed as Countryside, Policy CS18 requires the need to retain Countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations.

Due to the absence of a five-year land supply, the provision of up to 170 houses would weigh significantly in favour of the proposal. The development would also provide associated economic, social and environmental benefits, including provision of much needed affordable housing, contributions to improve local infrastructure and facilities to meet the needs of the development, and the enhancement and provision of open space and improvements to biodiversity on the site (Biodiversity Net Gain). The site will likely be built out over a number of years and will provide economic benefits during construction, and post-development future residents will contribute to the wider local economy and will help support local shops and services in Countesthorpe.

It is acknowledged that the proposed development would have moderate effects on landscape character and major-moderate visual effects in the surrounding area. However, these impacts would be mainly experienced in the immediate surrounding area rather than over a greater geographical extent. The proposed development would also result in an increase in traffic with additional residents using local roads in the village and surrounding area. However, through traffic modelling it has been demonstrated that the highway impacts of the development would not be severe, and where any junctions are significantly impacted, mitigation measures can be secured,

including the new roundabout junction at Foston Road/ Leicester Road, and funding for signal control improvements at Leicester Road/ Hospital Lane and a junction in South Wigston. Sustainable transport or Active Travel improvements are also proposed, including a shared footway cycleway to connect to the Meadows Sports Ground to the north.

There are no technical constraints relating to flooding, heritage impacts, environmental constraints or ecology that cannot be mitigated. The proposed development would provide open space typologies on site which exceeds the policy requirement, and would contribute to off-site sports facilities improvements, and allotments and cemeteries (if the need can be demonstrated as part of the Section 106 negotiations). It is acknowledged that the proposal would result in the loss of land classed as the best and most versatile (BMV) agricultural land (consisting of Grade 3a land) which is considered to carry moderate weight in the planning balance. However, given the area which would be lost is not strategically significant, the loss of BMV agricultural land is not considered to outweigh the benefits of the proposed development in this instance.

It is also acknowledged that planning permission was previously refused and dismissed on appeal for a largely identical outline planning application in 16/0843/OUT. However, the appeal was dismissed on the basis that the Council could, at that time, demonstrate a five-year supply of land for housing which is no longer the case. These factors justify a decision which deviates from the previous appeal decision. Although the Council refused the previous application for other reasons including harm to the character and appearance of the landscape and highway reasons, the highway issues were addressed during the appeal and the Inspector concluded that the development would not have a significantly harmful effect on the character and appearance of the area.

In conclusion, whilst the site is located within the Countryside where such development which has not been allocated in the Local Plan would not normally be permitted, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significantly and demonstrably harmful as to outweigh the benefits of providing housing development in this location. The benefits include the contribution of the proposal to the Council's housing land supply, affordable housing provision, economic benefits during the construction phase and to the local economy through household spending, improvements to local infrastructure and provision of onsite open space and biodiversity enhancements.

Overall, the proposal would conflict with policies of the Development Plan, in particular being contrary to Policies CS18 and DM2 given the site is located beyond the Settlement Boundaries in the Countryside. However, in the context of the 'tilted balance', as set out in paragraph 11d of the NPPF, other material considerations would outweigh this conflict, including the significant benefits identified, namely the provision of housing. The application is therefore recommended for approval subject to the conditions set out at the beginning of this report, and a Section 106 agreement to secure the obligations listed.

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## **Appendix 1 – Countesthorpe Parish Council consultation response**

**16 February 2024**

Countesthorpe Parish Council **OBJECTS** to the application.

### **COUNTESTHORPE PARISH COUNCIL'S RESPONSE TO PROPOSALS FOR 205 PROPERTIES OFF WILLOUGHBY ROAD – DAVIDSON DEVELOPMENTS – PLANNING APPLICATION 24/0001/OUT**

*Whilst the Parish Council acknowledges that it needs to respond to the planning matters directly relating to this application, it should be noted there are also two further applications for additional housing in Countesthorpe, therefore the Parish Council feels strongly that it is necessary to take this information into account when considering its response.*

*You will read a lot of comments from residents about lack of school places, inability to get an appointment at the health centre, the long queues to get in and out of the village at peak times, lack of leisure facilities, flooding, sewage problems, the strength of roads, the width of the pavements, the danger on the roads. They are real, lived consequences of Countesthorpe's infrastructure being already overloaded.*

#### **Housing Supply in Local Plan**

**Countesthorpe has met its requirement as identified in the Local Plan for housing supply and should not be required to provide additional housing.**

*Countesthorpe Parish Council references Blaby District Council's Residential Land Availability Document 1st April 2022 to 31st March 2023 in that it refers to the District Council only achieving 3.69 years of its 5-year supply. However, the Parish Council notes that the shortfall for the 5-year supply falls within the PUA area and in fact the non-PUA has overachieved its 5-year supply. Within the same report, it is also clear that Countesthorpe has achieved one of the highest levels of supply including committed development overall over the plan period.*

*The Parish Council notes that any shortfall in housing in the current 5-year plan is predominantly resulting from a slowing of the Lubbesthorpe Development which could be for reasons including the Covid pandemic and the current financial climate. It is therefore likely that, if granted in the current plan period, these developments could also be considered non-deliverable and hence, block other development within the District. It should be noted that there are currently three other large-scale planning applications currently being processed and awaiting further decision by Blaby District Council which would total 515 dwellings if approved and therefore meet the District Council's housing supply needs.*

*The Parish Council does not consider, in balance, that the current shortfall in the 5-year housing supply within the District justifies the loss of the open countryside and the adverse impact on the character, appearance and amenity of the village.*

*The Parish Council notes the amendments in the Levelling-up and Regeneration Act 2023 in that planning authorities are no longer expected to report their five-year housing supply, however the Parish Council notes that this only applies to Local Plans that have been produced in the last five years.*

*Whilst the Parish Council acknowledges that all parishes within the district may need to accept additional housing, with the potential for increased numbers to accommodate for a shortfall in the provision by the City Council, it would stress the need for the priority of any decision made to be based on its sustainability within the existing settlement. Therefore, the Parish Council would object to Countesthorpe being used as an opportunity to make up any shortfall in Blaby District's housing numbers in such an ad-hoc fashion.*

*The Parish Council therefore would expect the District Council to consider the cumulative effect of this application along with other proposed imminent applications which, should they all be approved, would result in an additional 426 dwellings. Likewise, the Highways Authority should consider the cumulative impact on the road network based on the potential that all the applications are granted planning approval.*

*Sustainability – CS1 and CS24, CS4 and CS6*

***Unless the issue of the inadequate infrastructure is addressed, then no development will fulfil the stated policy objectives of sustainability.***

***The inadequacy of the existing infrastructure, in its current form, cannot be resolved, therefore any remedial works to the infrastructure proposed by the developer will not fulfil the stated policy objectives of sustainability.***

*The Parish Council has significant concerns about the adverse impact on local services and facilities, if the cumulative effect of this and other potential developments are not given consideration, with the potential increase in the population of Countesthorpe by a third. The continual growth from the development on the edge of settlements is not the most sustainable form of development and not in the interests of the local community.*

*Therefore the Parish Council's preference would be that, should there be additional development to Countesthorpe, long-term consideration be given to the wellbeing and meet the needs of the population of Countesthorpe in terms of house types, access to local facilities, meaningful open spaces, local shopping, road network, transport needs and parking so that it can continue to be a sustainable community, as referred to in Planning Policies CS1 – Strategy for locating new development and CS24 – the presumption in favour of sustainable development.*

*Regarding sustainable development, there are no long-term employment opportunities for the village, which would further exacerbate vehicle movement. The strategic objectives of policy CS4 and CS6 will not be met.*

*The Parish Council is minded of the District Council's ongoing work in progressing the proposed Whetstone Pastures development, which would result in a further 3500 to 6000 dwellings and commercial space of approximately 372,000sqm, which is not included in the current Local Plan period. Should the Whetstone Pastures development go ahead, there would undoubtedly be a time lag until the triggers are met which would require the developer to make provision of health care and primary/secondary school places, which will result in the immediate term, in pressure being put on the existing infrastructure of Countesthorpe. It is the Parish Council's opinion that no further large-scale development should be permitted for Countesthorpe until a decision on the Whetstone Pastures development is made and the new Local Plan is published so that there is a clearer picture of the future services needed to support Countesthorpe, including the local road network.*

#### *Infrastructure, services and amenities – CS5*

*Countesthorpe Parish Council refers to Planning Policy CS5 in which Blaby District Council considers Countesthorpe as a 'larger central village' containing a good range of services and facilities and access to a range of transport modes. Countesthorpe has in fact lost valuable services such as a local bank, a post office and shops and losing its ability to be self-sufficient. It has an over stretched health centre and no NHS dentist.*

*The District Council itself acknowledges in its Local Plan Core Strategy that Countesthorpe's services and facilities may need improvement. It also acknowledges that Countesthorpe has no key employment sites. There are minimal opportunities for employment in Countesthorpe and a proportion of local employment is filled by a workforce from outside the village. The Parish Council refutes the suggestion that this development will provide employment for local builders.*

*There are no leisure facilities within the village. It is two and a half miles to Wigston swimming pool and fitness centre, four and a half miles to Parklands Leisure Centre, five miles to Enderby Leisure Centre and six miles to Huncote Leisure Centre, none of which can easily be reached by public transport.*

*The Parish Council argues the accuracy of the applicants' statements that Teddies Nursery (based at Countesthorpe Academy) is in easy walking distance. Foxfield Academy on Hospital Lane is a specialist school for students with social, emotional and mental health needs.*

*Parish Council would strongly argue against developer opinion that Countesthorpe has a range of transport options to access these facilities out of the village. It does not have a bus service to higher order centres with a frequency of 20 minutes or better as claimed by the applicants, it is 30 minutes or more. The bus service has become unreliable since the closure of the South Wigston Depot, leaving people trying to access work, or residents reliant on public transport stranded.*

*With regard to the developer statements, in general, the Parish Council is concerned about their accuracy and the collection of their data as to whether it gives an unbiased view and therefore asks that the District and County Councils check the validity of this data.*

## Planning Obligations and Developer Contributions – CS12

### **How will the issues of the existing poor infrastructure be addressed?**

*The Parish Council has concerns that these smaller developments from different developers will avoid triggers to necessitate the developer having to provide health and educational facilities, road network improvements, etc as part of the application process. There is a risk that Countesthorpe could have ever increasing pressure on its infrastructure from these imminent planning applications but with no substantial financial contributions to make necessary improvements to the infrastructure.*

*It should also be necessary to provide financial support to ensure that there is an adequate and reliable bus service to support additional development with a view to reducing commuter traffic to access employment and retail facilities out of the village.*

### Utilities

***The present infrastructure does not meet the needs of existing demands, Countesthorpe cannot cope with the proposed large increase in the population without drastic change.***

*The Parish Council is concerned that the infrastructure for the village, including sewage, water supply and electricity supply, is not sufficient to accommodate an increased housing supply in its current state. As an observation from the Parish Council and those living and travelling through it, there are frequent road works in and around the village (evidence of which can be corroborated by Notices issued by the Highways Authority) where it is evident that the service supplies to Countesthorpe, such as water, gas and electric, are in need of updating to accommodate its existing customers so it is therefore questionable whether they would support further development.*

*The feedback from residents within the vicinity of all proposed developments is that they have noticed a drop in water pressure subsequent to developments taking place in the village over the past few years.*

### Schools and Education

***Local schools may not be able to accommodate the potential increase in school places needed. If there is a large increase in the number of children and students attending local schools, the increased congestion would exacerbate the already dangerous situation for pedestrians and cyclists.***

*It is the Parish Council's view that Countesthorpe's education and healthcare services are already overstretched with its current population. The Primary School is already one of the largest in the County. It is a 3 form entry school and in recent years has been full with over 630 children, which together with a Nursery provision of 50 children, already has a severe impact on pedestrians, including parents and children, residents and traffic (including the emergency services), at the start and end of the school day. It would not be a realistic option to expand the school further as to do so would create an extremely large primary school and would exacerbate the risks from a lack of parking and the impact on the surrounding area.*

*Due to the complex nature of the school admissions system, simply living in Countesthorpe does not guarantee a place at a school in Countesthorpe. Blaby Thistly Meadow Community Primary School, Hospital Lane, Blaby is the closest school to Greenfield Primary School, Countesthorpe and the two schools share an Executive Head Teacher. Thistly Meadow is not within walking distance of any of the proposed developments and will result in more journeys by vehicle. There are no pavements or cycle paths for safe walking or cycling and as Hospital Lane regularly floods, access during inclement weather would be even more problematic.*

*The educational campus on Winchester Road includes Countesthorpe Academy, Birkett House Special School and Teddies Nursery with over 1200 pupils attending daily. This creates another area of concern with regard to traffic and pedestrian safety.*

### Countesthorpe Health Centre

***Residents are currently reporting a difficulty in accessing appointments and other agencies at the Health Centre. The site restrictions would make it difficult to expand facilities.***

*Countesthorpe Health Centre is a valued, well-run facility in the village. It is considered, by the Parish Council, to be an essential resource for the village. However, residents are currently reporting a difficulty in accessing appointments and other agencies at the Centre. This would be exacerbated by the proposed increase in population. Based on previous formulas used by the Health Centre, a development of this size could generate an increased population of over 1000 which would necessitate them providing an additional consultation room. Countesthorpe Health Centre has a wide catchment area, extending far beyond Countesthorpe and, therefore, any development locally also adversely affects the Health Centre.*

*Parking at the Health Centre and in the surrounding area at the centre of the village is already very limited causing considerable anxiety for often frail and vulnerable patients. Any extension of the Health Centre would probably be into the existing car park and would only exacerbate those issues for patients.*

*Countesthorpe Parish Council has recently met with Countesthorpe Health Centre to discuss ways that parking problems can be resolved, but no solution could be found. At this meeting, Countesthorpe Parish Council was told that there was no room for expansion to the current building.*

### Transport

***Countesthorpe is a commuter village with poor public transport. The three developments would all access the main roads through the village at points of particular pressure due to commuter traffic travelling from East to West across the South of the County.***

*The Parish Council would strongly argue against developer opinion that Countesthorpe has a range of transport options. It does not have a bus service to higher order centres with a frequency of 20 minutes or better, as claimed by the applicants. The No. 85 is the only bus service running through Countesthorpe, and it*

*has become unreliable since the closure of the South Wigston Depot, leaving people trying to access work or residents reliant on public transport stranded. Buses run every 30 minutes (at best) and are frequently late or cancelled, especially when flooding occurs at Crow Mills which forms part of the bus route through to Countesthorpe.*

*There are limited long-term employment opportunities locally. Due to unreliable and infrequent public transport, people travel to their place of work by car, therefore further exacerbating vehicle movement. The strategic objectives of policy CS4 and CS6 will not be met.*

### *Pedestrian and Cyclist Safety*

***Countesthorpe does not offer safe pedestrian and cycling routes, nor could this be improved due the width of many roads and pavements throughout the village.***

*The central road through the village is narrow and bordered by narrow pavements, some of which do not attain the recommended minimum of 1.2 metres. There is already a high density of traffic through the village at peak times, particularly at times where children are accessing Schools. The pavements are generally not wide enough for a parent/carer with a pram/pushchair and toddler or certainly not for a wheelchair or mobility scooter. This is deleterious to health and dangerous to pedestrians. Any further increase would worsen the air quality and increase the possibility of road traffic accidents.*

*The Parish Council notes that developers refer to there being access to a cycle network within the village. It is aware of the proposals contained in Blaby District Council's Walking and Cycling Infrastructure Plan, however it has doubts as to whether these proposals are feasible, particularly down to the limitation of narrow roads and pavements through the village. Also, there is limited opportunity to provide secure cycle parking within the vicinity of the local shopping centres. Many cyclists use the pavements instead of the road. This is dangerous for pedestrians given the narrowness and poor condition of the pavements. This concern has been reiterated by residents who are reluctant to let their children cycle in the village, or to cycle to school.*

### *Public Parking*

***The present capacity for public parking in the village does not meet the existing demand and there are no feasible options to improve this.***

*Public parking in the village currently does not meet demand and there is no obvious solution to accommodate an increased population. There is insufficient public parking for those visiting the local shopping and other facilities, and particularly for people with mobility problems. Therefore, there is risk that the current facilities within the centre of the village will lose custom arising from the lack of parking. Shops located on The Bank have indicated that they have lost custom due to the inadequate parking with customers choosing to shop out of the area. The parking problems have been exacerbated by the extension of retail, hospitality and other businesses in the centre of the village.*

*Whilst the Parish Council supports there being a thriving central area within the village giving access to shop, community facilities and health services, the Parish Council has already been expressing its frustrations to the District Council with regard to the parking issues.*

#### *Open Spaces and Recreation – CS14*

*Where a developer is proposing to provide an on-site open space, the Parish Council asks that the District Council carry out an assessment to determine the appropriateness of the provision. Should it be deemed that on-site open space is not appropriate, suitable off-site open spaces should be provided as new or developer funding obtained to improve existing neighbouring or nearby open spaces. Where possible, any new open space should provide access to adjacent areas of countryside. The Parish Council refers to Planning Policy CS14 – Green Infrastructure and would welcome discussions with the District Council on how these open spaces could be secured.*

#### *Ongoing maintenance of Open Spaces*

*The Parish Council insists that, should the application be granted, the District and County authorities continue to liaise with the developer to ensure that all lands, including those allocated to the dwellings and open spaces, are registered appropriately with the Land Registry and formal agreements between the Highways Authority in terms of responsibility of the highways and ad hoc open spaces such as greens, verges, boundaries treatments etc are clearly defined to eliminate future issues with lack of maintenance, as currently exists. Accordingly, any open spaces provided should remain as open space in perpetuity.*

*The parish council notes that it is now common practice for developers to charge an annual maintenance fee to the property owners for the maintenance of open spaces within the sites. The Parish Council would wish to see evidence at this stage as to what the plans are for the future ongoing maintenance of any proposed open spaces, in light of the dissatisfaction engendered by the level of service in maintaining the open spaces to an acceptable specification at more recent developments in Countesthorpe.*

#### *Environment and Carbon Neutral – CS21*

***If the District Council is working towards becoming a carbon neutral Council, how will the integrity of this policy be ensured through these proposed developments?***

*The Parish Council is participating in a pilot scheme to aim towards being a carbon neutral council by 2030. This is in line with the District Council's own policy. The Parish Council therefore asks that the District Council follow this policy through, and the contents of Planning Policy CS21, by only approving applications that can demonstrate that they are environmentally sustainable in design and aim to reduce carbon emissions and this will be enforced should approval be granted. In particular, in line with the recommendations of the new National Planning Policy, all properties should be provided with a charging point for electrical vehicles, and the properties designed to be able to accommodate solar panels.*

*Should developments be granted planning permission, the District Council consider that the design and layout of the site, particular the individual properties, to give the opportunity in the future for property owners to adapt their properties to introduce facilities to reduce carbon emissions, this can include the installation of heat pumps as an alternative to gas boilers.*

*The District Council refers in its Local Plan Core Strategy to the fact that it seeks to protect existing and provide new and multi-functional green spaces, for formal open space, recreational green areas for informal recreation and areas valuable for their biodiversity. Therefore, the Parish Council would wish to see the maintaining of areas of land throughout the village to support the creation of wildlife corridors.*

### *Flooding (CS21 and CS22)*

***The potential increase in local vulnerability to flood risk must not be ignored.***

*Serious consideration needs to be given to flood risk when reviewing potential development in Countesthorpe. Countesthorpe and its surrounding access routes regularly experience problems with flooding. Many villagers expressed their feelings of helplessness and 'being stranded' when Countesthorpe was completely cut off by recent flooding events.*

*There is significant concern that the increased impermeable footprint introduced by the proposed new developments, is likely to further exacerbate surface water and groundwater drainage problems in this already highly problematic area, and thus increase local vulnerability to flood risk.*

*The Blaby District Council (BDC) Joint Strategic Flood Risk Assessment (SFRA) reports that flood risk associated with both surface water runoff and groundwater flooding are a potential threat in the Countesthorpe area. Countesthorpe and its surrounding access routes frequently experience significant flooding events, indicating that this is a site already at or close to its natural hydrological carrying capacity.*

*The low permeability clays and mudstones which underlie the proposed developments and surrounding areas struggle to drain current precipitation and groundwater through-flow, leading to existing issues of standing water, and swelling of the clay-rich ground. This slow infiltration rate is particularly problematic during periods of increased rainfall and fluvial discharge, when local rivers are regularly observed to burst their banks. At such times, adjacent areas can remain flooded for prolonged periods, including those mapped as Flood Zone 1. It is also noted that the frequency of such events is expected to increase due to climate change.*

*The addition of further impermeable surfaces by the proposed developments will cause an increase in surface water runoff from the sites, adding pressure to existing drains and sewers, and reducing the available natural soakaway needed by nearby fluvial systems; unless appropriately attenuated.*

*In addition to the new developments' potential to impact local flood risk and vulnerability, the impact of existing and ongoing flood risk on the safety of the*

*developments and their future residents must also be considered. This is a serious factor which appears to have been overlooked in the planning applications.*

*National Planning Policy Statement PPS25 states that developments must be able to “remain operational and safe for users in times of flood.” And “A route can only be completely ‘safe’ in flood risk terms if it is dry at all times”. Blaby District Council Local Plan (BDC-LP), additionally states “Proposals are also required to demonstrate that safe access and egress to the development can be maintained during an extreme flooding event”.*

*Countesthorpe regularly suffers considerable disruption from road closures due to flooding, which limit access in and out of the village. This primarily occurs at Foston Road, Hospital Lane, Countesthorpe Road/Leicester Road including Crow Mills, Welford Road (A5199) including Kilby Bridge, and Leicester Road (A426) just north of Blaby (County Arms); often simultaneously. More recently in January 2024, Cosby Road at its junction with A426, Hill Lane and Winchester Road were also impassible due to flooding.*

*Safe access and egress to the developments cannot be guaranteed at all times when during such Flood Events these roads are impassable to residents and Emergency Services. Additionally, as these roads are observed to flood, they cannot be considered to be “dry at all times” and thus are excluded as being considered ‘safe’ routes in Flood Risk terms (PPS25).*

*Furthermore, at the periods of these road closures, vehicular traffic, including buses, must take lengthy diversion routes. In addition to the movement of villagers, it should be noted that Countesthorpe is a through-route for commuting travel. Restricted access routes during Flood Events will put extra traffic pressure on the reduced number of alternative ‘safe’ roads available. With the above-mentioned roads excluded, access routes will be restricted to through Countesthorpe Village, along Cosby Road and Station Road, or from the south.*

*The Parish Council therefore insists that the Highways Authority recognise this, and source developer contributions to carry out works to the highway outside of the development site to alleviate this problem. The Highways Authority itself must also ensure the ongoing maintenance of its drainage systems.*

*In light of the above concerns, we expect that serious consideration be given with regards to flood risk and the potential increase in local vulnerability to flood risk, when reviewing this application.*

*National Planning Policy Statement PPS25 states that the surface water runoff rate after development should not exceed the previous undeveloped Greenfield runoff rate. Given the local soil/geology it is unlikely that adjacent undeveloped areas alone will be able to accommodate the excess surface water runoff resulting from the proposed new developments. Infiltration drainage methods would also be considered unsuitable.*

*Should development go ahead it would therefore need to be a condition at outline planning permission stage for appropriate flood mitigation methods, including Sustainable Drainage Systems, to be incorporated into the site. The Parish Council*

would additionally insist to see evidence that such mitigation measures are fully appropriate, and subject to long term inspection and rigorous maintenance, and they must be finalised and approved by the relevant authorities.

*Planning Policy CS21 indicates that development should minimise vulnerability and provide resilience to climate change and flooding by supporting sustainable drainage systems and planting, rain water harvesting, multi-functional green spaces and green infrastructure networks. The Parish Council would therefore ask that each individual property within the development be built with these options in mind, particular in terms of garden design, including the provision of front gardens and rain water harvesting.*

*Referring to Planning Policy CS22 – Flood Risk Management, in terms of layout and design of any development shall allow for natural drainage within the site itself, including the provision of natural forms of drainage. There should be control of surface water run-off to minimise the increase in the surface water discharge into the public sewer system, and more importantly, avoidance of overdevelopment of the site.*

*A further condition of planning permission should be that surface water is not to drain into the Public Highway or add surface water to its drainage system.*

*It should be noted that Winchester Road at the access to Blaby, flooded in January 2024 due to the balancing pond installed at that new housing development not having sufficient capacity to cope with heavy rainfall. The Parish Council insists that future developments must not be similarly allowed to fall short of their duties to ensure no increase in off-site flooding.*

### Sewerage

***The sewerage system in the village is not sufficient to meet current need.***

*Residents living in the streets that run southwards from Station Road up to and including Willoughby Road have reported that they have issues with sewage coming up into their properties and problems flushing toilets, during incidents of excessive rain. Moreover, in Hallcroft Avenue, this is an ongoing issue due to the age and capacity of the sewerage system which was only constructed to serve the original properties on that road. The Parish Council recognises that new development will meet current regulations for sewerage installation, however, the impact on the existing system would first need to be considered.*

## **ISSUES RELATING TO THIS PARTICULAR APPLICATION**

### Housing Numbers for Countesthorpe

- *The Parish Council notes on page 6 of the Planning Statement that the applicant refers to Core Strategy Policy CS5 Housing Distribution in that Countesthorpe should accommodate 520 dwellings. As mentioned previously, the Parish Council has exceeded this over the plan period with 602 dwellings.*
- *Relating to this application, referring to Blaby District Council's assessment of the proposed Willoughby Road site the proposed 205 dwellings exceed the District Council's assessment of the site of potential 148 dwellings (30dph) and*

therefore is overdevelopment of the site. Therefore, should the application be granted, the Parish Council asks that the District Council ensure that the proposed description of housing in terms of numbers, size of properties, etc do not alter throughout the development resulting in overdevelopment of the site.

#### Highways and Access to the Site

- The nature of the isolation from the village by this proposal will inevitably result in access to the local facilities via a vehicle journey. Therefore, it will further worsen the issues around off-street parking at the centre of the village, as referred to earlier.
- As per the previously approved development at Lord Close, Countesthorpe Parish Council asks that the Highways Authority ensure that, should the proposed road within the site not conform to standards for adoption and the conditions set out in respect of the Lord Close development apply to this application and the appropriate maintenance agreements are made between the developer and the Highways Authority.
- The Parish Council refers to Leicestershire County Council's correspondence in a separate application number 2022/9488/01/P/HEN, in that it states the resulting number of properties from one point of access is contrary to Table DG1 part 3 of LHDG, which states that no more than 150 dwellings should be served by a single point of access off a residential road, and it therefore does not consider the proposals to be acceptable.
- As mentioned by the applicant that they have been in consultation with regard to the scope of the extent of their contribution to mitigations on the highway network, the Parish Council reminds the Highways Authority of the need to consider the accumulative effect of not only this but also other potential future developments within the vicinity when considering the impact on the highway.
- The Parish Council notes that the applicant has referred on page 6 of the Travel Plan that they are intending to introduce a pedestrian link via Beechings Close. The Parish Council would expect this should be a condition of any planning approval. Also, Leicestershire County Council confirms the feasibility of such a link and it is a condition of approval at this stage. The applicant has used this link to enforce its case of reducing walking distances to a bus stop ie 650m. Should the applicant fail in securing the land to complete this, the recommended threshold of 800m would be exceeded.
- The Parish Council asks that the residents of Beeching Close are fully consulted at this planning application stage as this has previously enjoyed being a cul-de-sac with limited pedestrian activity in the area. There is also a risk that this pedestrian route could become an 'escape' route by foot for anyone involved in anti-social behaviour or crime.
- The Parish Council objects to the fact that there is only one proposed vehicular access to the site which is insufficient to the number of proposed properties. This is another example of lack of long term planning when submitting applications for housing development in a piecemeal way.
- The Parish Council would therefore expect to see evidence on any proposed future access routes and insists that the District Council not grant outline planning approval until any potential access routes are submitted by the applicant.
- It is noted that at the pre-planning application stage, the applicant had indicated that the pedestrian link would be via Lord Close, therefore, this makes it all the

more necessary to consult with the residents of Beechings Close, as those residents may not be aware of any change in plan.

- Parish Council is aware that, at peak times vehicles trying to head out of Countesthorpe at the Cosby Road/Willoughby Road/Winchester Road junction have to turn left on to Willoughby Road and make a u-turn at Stonecroft to then turn back on themselves to head back along Winchester Road. That area of the village is not only hazardous for vehicular traffic but also pedestrians. Therefore, the Parish Council considers that safety improvements to both pedestrians and vehicular traffic should be considered at that location.
- The proposed drawings for the double mini-roundabout included in the Travel Plan are noted, however, it does state that the auditor of the proposals is questioning the viability of this arising from concerns for safety for cycle users. The Parish Council also doubts whether the proposed double roundabout will be able to accommodate HGVs, including buses. Therefore, the Parish Council would expect that any design for proposed improvements to that junction are submitted to the Highways Authority prior to any outline planning approval being granted for them to evaluate the safety aspect of any proposal. The Highways Authority should also take into considerations the concerns raised by residents in terms of pedestrian safety as referred to in this document.
- The applicant has stated in their Travel Plan, page 22, that it is expecting there to be around 272 car movements per day. The Parish Council considers this to be underestimated and more realistically be around 400 additional vehicles travelling towards the Cosby/Willoughby Road/Winchester Road junction at peak times, which will also include pedestrian footfall for students accessing the Countesthorpe Academy.
- The Parish Council would seek clarification from the Highways Authority with regard to the data provided in relation to vehicular collisions etc within Countesthorpe over the past five years as the figures contained in the Transport Assessment are inaccurate, as there are locations within the village where there is known to be collisions. The data provided, therefore does not seem a realistic representation on the potential for vehicular collisions. These notable locations within the village are also the same points where there are high levels of pedestrian movement to the schools.
- Whilst the Parish Council appreciates the applicant's intention to improve the pedestrian and vehicular safety at the point of access/egress, it does have concerns with the applicant's perception and description of the nature of Willoughby Road. Not only are there currently issues of speeding vehicles entering the village from Willoughby Road, on a blind bend, which has resulted in the Parish Council purchasing a Mobile Vehicles Speed Activation Sign (due to lack of funds for the Highways Authority to install more enforceable speed restrictions), it should be reminded that there is a potential for a significant increase in vehicle traffic, both residential and commercial, should the Whetstone Pastures development proceed. As yet, the Parish Council has received no indication from the Highway Authority of intended mitigation measures on the highway to respond to the impact on Countesthorpe should the Whetstone Pastures development proceed.
- Also, the proposed vehicular access to the site is positioned close to the bends in the road leading into the village from Willoughby Road. On top of speeding vehicles, there are also vehicles parked on the highway that increase the risk. The Parish Council has previously raised its concerns about road and

*pedestrian safety from that point into the staggered junction at Cosby Road/Station Road due to vehicles accessing the village at a high speed rate.*

- Whilst the Parish Council would support any improvement for safety pedestrian access in that area of the village, it does question the feasibility of the proposal to widen the road and pavement to provide a pedestrian access, particularly at the location crossing the redundant railway line. The existing pavement in this area is less than 1m wide and it is unlikely that the developer would contribute to cover the widening the bridge. Therefore the viability of the proposed road and pavement layout should be endorsed by the Highways Authority prior to any approval of outline planning permission. The Parish Council also stresses that at this location in the village, it is difficult for larger vehicles to pass, therefore the Parish Council questions whether any proposals by the developer will be viable, and also the concerns about how the area will cope with any construction traffic.*
- Any proposed improvements should take place prior to the completion of any development.*
- It is not indicated in the Travel Plan how these improvements are intended to be funded, ie fully or partially by the developer, so it cannot be assessed whether there is a risk that the proposals may not go ahead.*
- Should the application be approved, the Parish Council welcomes the proposal for a pedestrian footpath, Parish Council re-iterates its concerns over the isolated nature of this proposal both in terms of pedestrians and vehicles. The fact that residents would have a long walk round due to no cut throughs to the centre of the village will further encourage vehicle use.*
- The Parish Council notes that Blaby District Council's site assessment report scores the proposed site poorly for access to a range of the key services that are situated to the east of the village, and that there are limited employment opportunities in Countesthorpe. Therefore, the Parish Council does not consider that the application meets the requirements of Planning Policy CS10, Transport Infrastructure, to reduce the need for residents to require the use of a motor vehicle to access local services including retail and employment.*
- In general, the feedback from residents living to the west of the village have expressed their concerns about road and pedestrian safety in the vicinity of the Cosby/Winchester Road staggered junction and further along onto Willoughby Road with a lack of suitable pedestrian crossings. They are particularly concerned at peak times the conflict of vehicular traffic with the high numbers of young people and children access both the Academy and the walking to Greenfield School. In fact, residents stressed that they would more likely to take a car journey to Greenfield School to avoid the risk of the busy roads in the village.*

#### Off-street parking

- The Parish Council insists that, should the development be granted, that the District Council ensure that sufficient off-street parking is provided per property, also in anticipation of potential expansion of the property owner in the future.*

### Visual Impact

- *Urbanisation of the village: the village character will be destroyed by the modern housing at the village entrance. The proposed site of the development is in an area of countryside and if developed there would be a loss of openness which would be detrimental to the character and appearance of this entrance to the village. It would extend the built-up area of the village and compromise the rural character and appearance of this area of countryside.*
- *Should the application be approved, consideration should be given by the applicant to ensure that the properties to the north of the site do not overlook or have an overbearing effect on the existing properties to the north of the site including Maurice Drive and Mennecy Close.*
- *Consideration should be given to the visual appearance from the street scene.*
- *The proposed development will be on designated open countryside and would be detrimental to the village's natural environment, landscape and geology which is contrary to Core Strategy Policy CS18.*

### Open Spaces

- *The Parish Council has concerns about a proposed play area being located to the rear of existing properties and would consider it best placed further to the south, in the vicinity of the existing Willoughby Road Playing Fields.*
- *The Parish Council asks that the developer ensure that any hedgerows are maintained. It should be noted that the hedgerow to the south includes trees and hedging owned and maintained by the Parish Council and therefore the Parish Council should be consulted on any potential trees works to the south of the site. It should also be noted that the Parish Council will have no legal requirement to remove any of its boundary trees to suit the proposed neighbouring properties, therefore it strongly advises the developer to bear this in mind when considering the positioning of the properties to the south of the site.*
- *Likewise, there are pieces of play equipment within the Willoughby Road Playing Field site that the Parish Council would be under no obligation to move and therefore recommends that any proposed residential properties are positioned appropriately.*
- *The Parish Council notes the indication for additional allotment sites. The Parish Council would seek clarification as to who would be responsible for the management of proposed allotments prior to any planning approval.*

### Biodiversity

- *The applicant indicates that this site does not contain any locally designated wildlife or nature conservation, though Blaby District Council indicates in its site assessment report that the site scores poorly for biodiversity due to the presence of a Local Wildlife Site, therefore, should the application be approved, the Parish Council asks that necessary mitigation measures are introduced to the proposals.*
- *The Parish Council has been provided with evidence from the local Allotment Society that indicates the presence of badgers, red kites and buzzards in the area which it is recording with wildlife cameras.*

- *The proposed development will be on designated open countryside and would be detrimental to the village's natural environment, landscape and geology which is contrary to Core Strategy Policy CS18.*
- *The Parish Council notes that in 2021 the District Council removed the TPOs to the trees to the south boundary of the site and those at the boundary of Lord Close and would therefore have concerns about the removal of the trees.*
- *The Parish Council is concerned that this application is being submitted early to avoid giving consideration to the Biodiversity Net Gain directive that is due to be introduced. The Parish Council considers that, as the applicants should be aware of this forthcoming legislation, it should give this consideration in their applications and therefore requests that the application demonstrate a biodiversity net gain and create natural habitat enhancement of the environment either within the site or on neighbouring land to counteract any negative impacts from their development.*

### Flooding

*In addition to the comments on Flooding made above, there are a number of site-specific issues which raise further concern for potential increased flood risk and vulnerability associated with this development.*

- *Whilst the application itself does not sit within a mapped flood zone, it is still prone to flooding from surface water. We therefore highlight the Environment Agency guidance that Flood Zone Maps should not be the only investigation into flooding, and site observations and historical records of Flood Events must also be considered.*

*Moreover, the Parish Council here insists that it is noted and reflected upon, that in January 2024, existing residential areas to the north of the proposed site, in particular Mennecy Close, Waterloo Crescent, Beechings Close and Maurice Drive, were overwhelmed with excessive rainwater run-off, resulting in flooding to properties.*

- *It should also be noted that Winchester Road at the access to Blaby, flooded in January 2024 due to the balancing pond installed at that new housing development not having sufficient capacity to cope with heavy rainfall.*
- *During the recent flooding, residents of Willoughby Road also suffered the sewage systems to their properties not being usable until the surface water flooding had receded. Many residents also reported significant flooding around their properties on Willoughby Road.*

*The residents of above-named roads have also expressed their frustrations that the existing drainage system on the road network in their area is not sufficient to take the surface water from the existing properties and therefore would not be able to cope with any further surface water run off resulting from further development.*

- *The Leicestershire County Council Preliminary FRA (LCC PFRA) states “sewers are not designed to accommodate extreme rainfall events, so it is likely that flooding will occur from sewers and drains during such events.”. Sewer flooding can therefore not be ignored by the developers, and a specific mitigation strategy must be included.*

*A condition of planning permission must be that surface water from the development is not to drain into the Public Highway or add surface water to its drainage system. It cannot currently be stated with confidence that such a condition could be met.*

- *Consideration should also be made to ensure that there is no surface water run off flooding onto the neighbouring Willoughby Road Playing Fields. The open space itself is also starting to suffer with standing water. This space should not be considered by developers as an easy option for disposing of surface water run-off.*
- *Additional development will further exasperate surface water flooding and sewage problems, unless appropriately attenuated. The Parish Council therefore insist that it is made a condition that specific detailed Sustainable Flood and Drainage Mitigation Strategies, adequate to cope with the level of potential run-off water, are finalised and approved at the outline planning permission stage before development can be considered further.*

### Sustainability

- *The proposed development does not meet the strategic objectives of policy CS1, the use of more sustainable forms of transport (including walking, cycling, other forms of non-motorised transport and public transport), as there are no cycle ways through the village. The main road through the village does not comply with the recommended design for public transport and the footways are below one metre width on a large portion of the road. Buses, for public transport, already give rise to hazardous conditions.*

### SUMMARY

*As the Parish Council wishes to reflect the feedback it has received from local residents in its response, because of the overall strong feeling about the adverse effect on the village’s existing infrastructure and services arising from any future development and increased population of the village, in addition to increased commuter traffic, unless there is firm commitment from the developers, Blaby District Council and Leicestershire County Council for the supporting infrastructure (referred to throughout this document) to be in place prior to further development, the Parish Council would therefore need to express its **OBJECTION** to the application. Without this infrastructure, the Parish Council does not consider that the application complies with CS11 – Infrastructure, services and facilities to support growth.*

*As the Parish Council is not privy to the District and County Council’s long-term plans for sustainable development, the Parish Council does not feel that it is in a position to make a judgement on the suitability of each individual application for development within the village and reiterates its objection to further piecemeal development without*

*clear evidence of sustainable planning from the District and County Councils, or if it could give reassurances that sufficient developer funding can be sourced to cover costs towards alternative infrastructure for vehicular traffic to by-pass the village.*

*To reiterate, the Parish Council would therefore expect to see commitment of timescales for appropriate improvements to infrastructure, local and surrounding road networks, utility services, school and health services, as referred to throughout this document, prior to further development taking place and would welcome discussion with the District and County Councils.*

*The Parish Council also reiterates its view that the Highways Authority should consider the cumulative effects of the proposals in terms of impact on the highway and vehicle movements, including that of commuter traffic, when considering whether the proposed highway improvements are adequate, also taking into account the long-term future of development that may impact on the village.*

*The National Planning Policy Framework stresses that new housing should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”. Therefore, taking into consideration the above comments, the Parish Council strongly feels that any additional development within Countesthorpe without the provision of adequate supporting infrastructure or services, would adversely impact on the Village.*

*With regard to Neighbourhood Priority Statements in the Levelling-up and Regeneration Act 2023, whilst the Parish Council understands that these are not applicable to the current Local Plan, however, the Parish Council asks that District Council honour the intentions of the government in the Act when considering this application.*

*For information, the Parish Council held two consultation events with local residents with regard to this application. Both were well attended and the feedback with regard to concerns about the impact on infrastructure and services was consistent amongst residents and the Parish Council’s own views.*

## **Appendix 2 – Countesthorpe Parish Council consultation response**

**15 July 2024**

Thank you for your response with regard to your request to make public previous correspondence from the Parish Council following your request for the Parish Council to submit potential projects to assist your negotiations with developers in obtaining s106 funding. I confirm that the Parish Council would be happy for you to make public this email which includes an unredacted list of items that the Parish Council has submitted to yourself for consideration on behalf of the village and also for you to share this accordingly with the developers.

With response to your subsequent query, I confirm that the Cemetery is owned and managed by Countesthorpe Parish Council. As previously mentioned, the cemetery has available capacity, however, previous s106 funding has contributed towards landscaping and installation of cremation plots, etc within the extension. The Parish Council notes that you will be contacting the Countesthorpe Allotment Society directly.

**The Parish Council would also stress the need for the District Council to ensure that any s106 monies sourced for projects be to the benefit of, and retained for the use within the village of Countesthorpe.**

### **List of Submitted potential projects for consideration for developer contributions**

*Dated 10<sup>th</sup> May 2024.*

*Firstly, it is disappointing that the Parish Council is being asked on the basis the criteria of the existing Blaby District Council Planning Obligations' Policy and not on the draft Policy which does appear to be less restrictive in terms of potential projects or location. It is the Parish Council's view that significant housing developments impact on the village as a whole and not just in the immediate area.*

*In respect of what the Parish Council considers that the village needs, this can be split into two elements:-*

- a. Those that would support the local services and facilities, such as health, education, highways, and library services and the Council presumes that you are liaising with Leicestershire County Council. As mentioned in the Parish Council's response to the planning applications, a lack of public parking in the centre of the village is currently affecting the village and local shops. Also, to respond to issues relating to surface water run-off which can isolate the village.*
- b. Secondly there is the impact on community and leisure facilities. Countesthorpe has a vibrant community spirit with a range of local groups and facilities that the Parish is sure would appreciate the support to be able to expand and develop to accommodate any future membership.*

*The Parish Council therefore lists the following options for consideration when Blaby District Council is consulting with developers with regard to s106 funding (in no particular order):-*

- Support towards looking at initiatives to help with off-street parking and access to the local shopping centre at Central Street, including cycle racks (if necessary, developer to provide an offset of land within the vicinity of the centre of the village which could be converted into public parking (without adversely impacting on the surrounding residential area).*
- Support towards a scheme, ie park and walk, to reduce traffic around Greenfield School at peak times.*
- Recommendation to liaison with the local Scout and Guide Groups to discuss their needs to accommodate improvements to their facilities.*
- The flexibility to improve play areas. There is no longer any space available to install new equipment, however, particularly on our Dale Acre play area, there is older equipment that the Parish Council would like to replace with accessible items of equipment. Likewise, improvement to the entrances to the Dale Acre site to improve accessibility.*
- Contributions to support the Parish Council in making adaptations to the Village Hall and Library to meet its carbon neutral targets.*
- Improvements to Willoughby Road Playing Fields. The existing portacabin has now been removed due to safety reasons, and there is potential to replace with a more fit for purpose community facility. The open space is generally in need of enhancement to improve accessibility, including improved parking surface, accessibility with pathways, improved access to the site including pedestrian access and vehicle barriers, accessible equipment. (The Parish Council understands that another village within the district has used s106 funding to resurface a car park).*
- Offset of meaningful open spaces to enable continued pedestrian access to the surrounding countryside, not only to encourage walking, but to offer wildlife corridors through the village.*
- An area of open space or meeting point for older children/teenagers to provide a focal point away from the existing play areas for younger children.*
- Offset of open space to allow for sporting activities.*
- Connectivity to enable the Parish Council to install festive lighting.*
- Works to the new cemetery area.*
- The flexibility for the Parish Council to be able to install items around the village to enhance the appearance such as planters, general planting etc. Tree and hedgerow planting schemes as required in the village.*
- Zebra crossing on Central Street for safe access to the Pharmacy*

*Dated 25<sup>th</sup> June 2024*

*Thank you for clarifying some issues with regard to eligible s106 funding. Based on your comments, the Parish Council would wish to submit the following options which it considers meets the tests necessary to make the development acceptable in planning terms:-*

- Zebra/Pelican crossing on Foston Road in the vicinity of the garden centre and I additionally at some point on Leicester Road/Wigston Street. The Parish Council is aware that the District Council will need to liaise with Leicestershire County Council on this matter. This would be to allow safe pedestrian access for both those living within any new development, or existing residents wishing to access that area, including the garden centre, should the Foston Road Development be approved. As an alternative, the option for traffic lights at the Foston Road/Leicester Road junction which would include pedestrian crossing points.*
- Improvements to Willoughby Road Playing Fields, including enhancement of accessibility with improved parking facilities, disabled access, pedestrian access around the park itself and an enclosed/fenced play area with items of equipment. Should the Willoughby Road application go ahead, there would be increased use of the playing fields facility. Your previous comments with regard to the District Council's Health and Leisure Team making recommendations, the Parish Council would ask if it could be clarified how they will be assessing need, and if necessary be consulted on any proposals.*
- The Parish Council would ask for clarification on what Leicestershire County Council is proposing that would respond to increased traffic and parking around the Greenfield Primary School as you refer to sustainable transport measures. The Parish Council has previously asked for parking restriction bollards to be placed on the pavement opposite the school.*
- Any future enhancements to the existing Cemetery areas in terms of memorial walls, planting, etc, as per previous applications that the Parish Council has submitted for s106 funding.*
- Connectivity to enable the Parish Council to install festive lighting, to create a community spirit and make the centre of the village a welcoming place including for any potential new residents.*
- Contribution towards installing a fenced pathway across the Dale Acre park to provide a separation of the play areas from dog walkers*

*The Parish Council would wish to continue to be consulted and to be able to revisit this list should further housing developments arise.*

*With regard to your previous comments, the Parish Council would like to provide a follow up response.*

- Recommendation to liaison with the local Scout and Guide Groups to discuss their needs to accommodate improvements to their facilities. It is understood that the Scout Group has already been in contact with the*

*District Council with regard to whether they would be considered for s106 Funding with regard to their Scout Hut.*

- The flexibility to improve play areas, meeting points for older children/teenagers, accessible play equipment. You mention that new play equipment would be provided within the new development itself. To reiterate our previous comments, the Parish Council would wish to see that the equipment is installed within a reasonable time of the start of any development, and that it be enforced by the District Council. It is noted that previous applications, such as at Lord Close, the proposed play equipment has not come to fruition.*
- Offset of open space to allow for sporting activities. You mention that the District Council's Health and Leisure Team will be making recommendations in relation to sports facilities. The Parish Council would be appreciative of being consulted on this in due course.*

*As mentioned on our telephone call, previously Parish Council have been asked for a 'wish list' and not expected to provide costings. We understand that you would need some idea in order to negotiate, however, for some of these submissions, the Parish Council would need to go out to tender. You referred to the previous items that the Parish Council has submitted as a 'wish list'. Here is a progress report on the items submitted for in 2015.*

- A pavilion for Willoughby Road (not progressed)*
- A MUGA (was successful in a s106 application and installed)*
- 2 pieces of play equipment for Leysland Park (a successful application was made for expanding the Leysland Play Area and this is not installed)*
- 2 pieces of play equipment in Dale Acre (a successful application was made and additional equipment was installed, including outdoor Gym equipment)*
- Fencing and improvements to Willoughby Road Playing Field Car Park (the Parish Council has funded the fencing itself).*
- Additional benches for open spaces (successful application submitted for a picnic bench at Willoughby Road Playing Fields.*

*Thank you again for consulting the Parish Council.*

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24/0424/HH

Registered Date  
03.06.2024

Ms Carrie Jackson

Single storey front extension and new roof to porch and garage

18 Stanton Road, Sapcote

Report Author: Tasneem Quareshy, Planning Officer  
Contact Details: Council Offices. Tel: 0116 250 3101

**RECOMMENDATION:**

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

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

**Note to Committee**

This application has been brought before the Planning Committee as it has been submitted by a member of staff.

**Relevant Planning Policies and Guidance**

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

Policy CS2 – Design of new development

Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 - Development in the Settlement Boundaries

Policy DM8 – Local Parking and Highway Design Standards

**Fosse Villages Neighbourhood Plan (2021)**

Policy FV6 – Design

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

**National Planning Practice Guidance**

**Consultation Summary**

No comments received from Sapcote Parish Council.

### **Neighbour Representations:**

None received.

### **Relevant Planning History**

None.

## **EXPLANATORY NOTE**

### **The Site**

The application site consists of a two-storey detached dwelling situated within the defined settlement boundary of Sapcote as identified on the Policies Map (2019). The site benefits from an integral garage and is set back from the fronting highway of Stanton Road by a front garden and driveway. Dwellings along the immediate street scene are of a mixed design and appearance.

### **The Proposal**

The applicant seeks permission for a single storey front extension measuring approximately 1.37m in width and 1.9m in depth from the existing dwelling. The proposed extension would sit in line with the existing porch and garage. The single storey front extension would serve as a cloak room and w/c.

The applicant also seeks permission for a new pitched roof which will serve the proposed front extension, the existing porch and front of the garage. The maximum height of the pitched roof will be approximately 3.4m to ridge height and 2.5m to eaves height.

Materials proposed to be used in the proposed development include buff brick, roof tiles and white uPVC windows to match the existing. The window on the proposed front extension would be obscurely glazed.

### **Development Plan Policy**

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

##### **Policy CS2 – Design of new development**

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

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

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

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

### Policy DM1 – Development within the Settlement Boundaries

Policy DM1 supports development which provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

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

Policy DM8 seeks to provide an appropriate level of parking provision which complies with Leicestershire Highways Design Guide (LHDG) and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport.

## **National Planning Policy Framework (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.

### **Planning Considerations:**

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

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

#### The principle of development

The application proposes a single storey front extension and new pitched roof to the front of the existing porch and garage. As the development would occur within the Settlement Boundary of Sappcote it is considered acceptable in principle.

#### Design and Appearance

The proposed development will be visible from the public realm; however, it is not considered that this would result in a detrimental impact to visual amenity as the materials will match those of the existing dwelling. Additionally, the proposed single storey front extension will not extend beyond the principal elevation of the dwelling but will sit in line with the existing porch and garage. The site will still benefit from remaining curtilage at the front and therefore it is not considered that the proposal would result in overdevelopment. There are also examples of similar development along the immediate street scene and thus it is not considered that the proposal would be out of character or appearance for the area.

Overall, therefore it is considered that the development is acceptable under Policies CS2 and DM1.

#### Impact on Neighbouring Dwellings

The application site neighbours No. 16 Stanton Road to the south and No 20. Stanton Road to the north. By virtue of its single storey nature and the distance that will be retained to both neighbouring dwellings, it is not considered that the proposal would have a detrimental impact on neighbouring amenity.

#### Highway Impacts

No changes are proposed to the number of bedrooms and no changes are proposed to the existing parking arrangements. The proposed development is therefore considered to be in accordance with Policy DM8.

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

In conclusion, and for the reasons set out above, taking into account the principles set out in Local and National Policy and guidance including the three dimensions of sustainable development (economic, social and environmental) set out in the NPPF and policies in the adopted Development Plan, in addition to all other material considerations, the proposed development is considered to be on balance acceptable. Accordingly, this application is recommended for approval subject to imposition of conditions set out above.

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**24/0455/FUL Registered Date  
22 May 2024**

**Dr Mohammad Al-Akaidi**

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

**27 And 29 Bosworth Way, Leicester Forest East**

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

### **RECOMMENDATION:**

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

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

### **NOTES TO COMMITTEE**

This application has been brought before the Planning Committee at the request of Cllr. S. Coar under the Members Call-In procedure for the following stated reasons:

*"We believe there are several planning grounds on which the application to convert two semi-detached houses into a children's home should be called into the planning committee:*

*Impact on the Character and Appearance of the Area: The proposed conversion may significantly alter the character of the neighbourhood. The existing semi-detached houses contribute to the residential character of the area, and converting them into a children's home could change the nature of the locality. This alteration may be considered incompatible with the existing street scene and the overall appearance of the neighbourhood. It is also against the Covenants to run a business set out on the Title Deeds created by Taylor Wimpey.*

*Impact on Residential Amenity: The introduction of a children's home in a predominantly residential area could have a considerable impact on the residential amenity of nearby residents. Concerns include increased noise levels, changes in privacy, and potential disturbances from the operation of the home. These factors can adversely affect the quality of life for existing residents and should be thoroughly evaluated.*

*Highway and Parking Implications: The conversion is likely to lead to an increase in traffic and parking demands. Children's homes typically require staff, social workers, and visitors, all of whom would need parking spaces. This increase in vehicular movement and parking requirements could exacerbate existing parking issues and potentially pose safety concerns on the local roads.*

*Impact on Community Cohesion: The introduction of an institutional use into a residential area might affect the social fabric of the community. Strong consideration needs to be made on whether the proposed children's home would integrate well with the existing community or if it might lead to social or cultural tensions.*

*Given these considerations, we believe there are compelling planning grounds to call this application into the planning committee for a more detailed examination. We appreciate your attention to this matter and hope for a thorough review to ensure that the proposed development is in the best interest of the community”.*

### **Relevant Planning Policy and Guidance**

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

- CS1 Strategy for locating new development
- CS2 Design of new development
- CS8 Mix of Housing
- CS10 Transport Infrastructure
- CS24 Presumption in favour of sustainable development

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

- DM1 Development within the settlement boundaries
- DM8 Local parking and highway design standards

#### **Leicester Forest East Neighbourhood Plan (2020)**

- H3 Housing Mix
- H5 Housing Design

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

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

### **Other Relevant Documents**

Blaby District Council Housing Strategy 2021-2026

### **Consultation Summary**

**Blaby District Council, Environmental Services – Comments awaited.**

## **Blaby District Council, Housing Strategy – supportive of the application**

*“From a Strategic Housing perspective, we have been involved in recent discussions with Children’s Social Care around the provision of more (and the lack of) accommodation for looked after children and as such would support any additional bedspaces that can be provided.*

*From our perspective the need for more supported accommodation for looked after children is a priority for provision in Blaby District under our Strategic Priority set out in our Adopted Housing Strategy 2021 -2026 (Strategic Priority 2 - Provide Specialist Housing for Vulnerable Groups). This document can be found on the Blaby District Council Website.*

*In terms of the specific need for additional accommodation for looked after children, whilst this is not directly referenced in the Strategy it is clear this group (“Looked after children”) falls under the category of a vulnerable group.*

*All children are vulnerable as they require the care of others however looked after children are specifically more vulnerable than their peers due to the circumstances surrounding their need to be looked after by the Local Authority. Many will have experienced some form of abuse. Either or both psychological and physical abuse leading them to being removed from their family home. These children are also more vulnerable statistically to risks, for example CSE (Child Sexual Exploitation) if they are not provided with secure consistent accommodation.*

*These issues are compounded by the lack of suitable residential care. Since 2018 the number of looked after children in England has risen by 11% and the use of unregulated care placements for these children has risen by 20 % in the years 2022-2023 alone. Unregulated care means accommodation that does not provide any support or oversight from Ofsted. Local Authorities are forced to use these placements due to a lack of suitable accommodation.*

*Lastly, latest research has shown that 20,000 children were separated from their sibling on being taken in to care in 2020-2022 due to lack of suitable provision compounding the trauma they have already experienced.*

*These statistic can be found here*

*<https://explore-education-statistics.service.gov.uk/find-statistics/children-looked-after-in-england-including-adoptions/2023>*

*and here*

*<https://www.childrenscommissioner.gov.uk/blog/new-evidence-on-unaccompanied-children-seeking-asylum/>*

*Life outcomes for looked after children are significantly worse if they experience poor care and accommodation in their formative years. This leads to an increase in poor health and homelessness in adult life and not only impacts negatively on their*

*individual lives but also causes increased costs to the NHS and Local Authorities that a secure home could help to avoid.*

*In relation to concerns over the specific location of the Children's Home, there is a robust process to assess this. Following a potentially successful planning application with us the provider will then have to carry out a location risk assessment to be assessed by the responsible Local Authority for children's services (in this case Leicestershire County Council) and also Ofsted. I have copied the relevant parameters and advice in completing an adequate Location Assessment given to potential providers by Ofsted below for information. Any concerns raised by professionals at this stage would need to be alleviated by the provider before they are given a licence to proceed with occupation of vulnerable children.*

*I would just like to stress they cannot move to this part of the process before they have received planning permission from us to change the use class of the property. In conclusion we consider it correct for us to support the application (because of the lack of supply) knowing that the safeguards are in place later on in the process to address concerns over location.*

*It is for these reasons that as a Strategic Housing Team it is important for us to support the proposal.*

[Relevant parameters and advice in completing an adequate Location Assessment given to potential providers by Ofsted below for information]

### **Location assessment**

*Your location assessment must show the steps you have taken to make sure that the home is appropriately located, that you have mitigated any risks, and that you promote positive opportunities for children. There is no set format for location assessments. There is non-statutory guidance available to help you to think about how to approach this task.*

*Making your location assessment will involve consulting and considering the views of appropriate local bodies or services, including the police and the local authority children's services. You must show that you understand the environment, community, risks and services available, and that you can protect and promote children's safety and welfare.*

*Your location assessment must address 2 broad issues:*

- *safeguarding concerns*
- *accessibility of local services*

*The assessment should consider the needs of the children who are expected to live there. For example, you should assess whether the location of the home:*

- *places children at risk of exploitation due to local criminal activity*
- *is in proximity to other children's homes*

- *is in proximity to local criminal ‘hot spots’*
- *is close to environmental hazards such as reservoirs, busy roads or railway lines*
- *is in a neighbourhood where children can flourish*
- *has accessible and available suitable local education, leisure, faith, cultural and healthcare services”*

**Leicester Forest East Parish Council – Objects to the application**

**17.06.2024**

*“Leicester Forest East are objecting to the proposed application 24/0455/FUL 27 & 29 Bosworth Way – conversion to children’s care home.*

*Whilst the council acknowledge the need for care homes we have our concerns about the type, location and affect on the neighbouring house and residents. We do not agree that the middle of a small estate is appropriate. BDC should be working with the applicant to secure more appropriate accommodation in a suitable location.*

*The parish council have been contacted by many residents objecting to this planning application and as a council we are supporting residents with theirs and our objections.*

- 1. Houses on this estate, built by Taylor Wimpey, all have covenants preventing change of use from domestic family homes to business. BDC should be supporting the residents in upholding the covenants and not ride rough-shod*
- 2. Residents have bought and moved to this estate due to its nature. Small. Family based and upmarket. Application is entirely to the detriment of all residents who have for many years enjoyed living in a community-spirited, quiet residential area.*
- 3. Whilst the applicant says there will be only 4 children and 4 staff +1 visitor at a time there will be additional personnel visiting from food / infrastructure deliveries to medical personnel etc.*
- 4. Residents are concerned by the likely increase in anti-social behaviour at the immediate address, surrounding properties and wider area*
- 5. Whilst the applicants include parking the design and practical design of the parking is total impractical. At shift changeovers there will be up to 8 vehicles trying to park in that location or surrounding streets.*
- 6. Bosworth Way is not amenable to an increase in traffic and access for emergency response vehicles”.*

**05.07.2024**

*“Leicester Forest East Parish Council would like it noted that, in addition to the previous objections made by the parish council, planning application 24/0455/FUL 27 & 29 Bosworth Way – conversion to children’s care home goes against the parish’s neighbourhood development plan as this would not be a business which would benefit the parish”.*

**Leicestershire County Council, Highways – No objections**

## **Third Party Representations**

134 letters of representation have been received from residents, 119 objecting to the development, with 14 in support of the application. The reasons cited for objection relate to the following matters:

### Location

- The location is unsuitable for a children's home due to its residential location
- The development is an inappropriate use in this development, due to its residential location
- The development is an inappropriate use in this development, due to nearby existing criminal activity and antisocial behaviour

### Housing Need and Supply

- The proposal would result in the loss of residential housing
- The proposal would result in loss of affordable housing provision
- Inadequate accommodation provided for vulnerable service users

### Highway and pedestrian safety implications

- Traffic implications including insufficient and inadequate off-street parking arrangement, congestion and inconsiderate parking, particularly at staff cross over times
- Unsuitable access arrangements due to layout and proximity to a bend
- Proposal would impede emergency services and waste collection
- Proposal would lead to wider traffic issues within the Parish

### Noise and Disturbance

- Noise and disturbance arising from the use of the premise as a children's home.
- Noise and disturbance arising from an increased volume of traffic
- The proposal will lead to an increase air pollution, and litter
- Proposal would lead to a noise and disturbance during the construction phase

### Use of the development

- Excessive staff numbers

### Character and Appearance

- Proposal is contrary to community minded nature of area
- The proposal is detrimental to the character and appearance of the area, due to the proposed use of the development
- The proposal is detrimental to the character and appearance of the area, due to the change of the building form a pair of semi-detached to a detached building

## Miscellaneous

- The proposal would lead to the devaluation of neighbouring properties
- Shared Fence
- Covenants on land restricting business use within the wider development – Officer comment: This is a civil matter outside the remit of planning legislation and as such not a material consideration in the determination of this application.
- Additional costs incurred to existing residents through management fees
- Proposal would impact upon already stretched local services and facilities, including health care, school, highway infrastructure, local parks and recreational areas
- Impacts on the mental health and well-being of existing residents and their children
- Lack of adequate lighting leading to safety concerns for the children
- Concerns around safety of existing residents as a consequence of children moving into the area
- Increased, antisocial behaviour and criminal activity
- Health and safety concerns regarding the handling of waste
- Over saturation of children's care homes in vicinity (Lubbesthorpe)
- Inconsiderate care taken for the appearance of the area by future users
- Lack of consultation

The reasons cited in support of the applications are as follows:

- Children deserve the right to a safe happy environment
- Every child deserves somewhere safe to live
- Children in care deserve safe homes
- Every child deserves support and love and positive role models within a caring environment.
- The location would be a lovely area for these small children to be able to play and enjoy
- These homes have no effect on local areas or neighbours
- A positive home life can have a positive impact on some of our most vulnerable children
- The estate is the perfect environment to give them a stable, safe home to live in, and thrive in their futures
- These children do not deserve to be vindicated because of their circumstances or the supposed potential ASB that some residents think would occur as a result of the home
- Under the Human Rights Act all children have a right to a private and family life. Under the Equality Act all children should have equitable access to housing, education and amenities
- We should remember these are primary school age children who will be cared for on a 1:1 basis, not criminals. This is not an application for a probation hostel
- The children deserve an opportunity to live as normal a life as possible
- Looked after children, children with severe learning, disabilities and early childhood trauma need to have a sense of normality in their life, and living in

the community, in a property that looks like a normal house, surrounded by children their own age is appropriate

- This would be incredibly beneficial for the community
- Children need love and support in this situation. It takes a community to raise a child

### **Relevant Planning History**

11/0264/1/OX	Proposed residential development (maximum 145 dwellings) associated landscaping, public open space and infrastructure with vehicular access off Beggars Lane (Outline)	Approved 26.07.2012
12/0707/1/MX	Proposed residential development (maximum 145 dwellings) associated landscaping, public open space and infrastructure with vehicular access off Beggars Lane (Reserved Matters)	Approved 15.03.2013

### **EXPLANATORY NOTE**

#### **The Site and Surroundings**

The application site is located within the settlement boundaries of Leicester Forest East as defined on the Blaby District Local Plan Proposals Map (2019) and comprises of a pair of semi-detached dwellings, Nos. 27 and 29 Bosworth Way.

The dwellings front onto Bosworth Way which provides pedestrian access to the houses. Each property has provision for 3 off street parking spaces which includes a garage space each set within a side parking courtyard. The parking courtyard serves 3 dwellings and the vehicular access is onto Bosworth Way.

The application site is adjoined on all sides by other houses and the immediately surrounding area is characterised by residential development with a mix of detached, semi-detached and terraced dwellings.

The site is level throughout with each property benefiting from an enclosed rear garden area.

The site is situated within flood zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.

#### **The Proposal.**

The application seeks planning permission for the alteration to Nos. 27 and 29 Bosworth Way to combine into one property and the change of use from two dwellinghouses (Use Class C3) to a children's home (Use Class C2 Residential Institutions). No external alterations to the properties are proposed.

The proposal will continue to utilise the existing access arrangements, off-street parking and garage provision serving the existing dwellings.

The applicant has submitted supporting information that explains that the home will provide care and support for up to 4 children aged between 4 – 11 years of age, referred by a Local Authority. There will be up to 4 members of staff at the property at any one time. Staff will be on site 24 hours-a-day seven days. The staff will utilise a staggered shift pattern working three days on and four days off, with a changeover of staff occurring every third day. There will be a 30-minute handover for each shift change.

The applicant has stated that visitations to the property will be by appointment only, with Ofsted conducting biannual visits. Social workers and other professional support, including visitations to GPs, Dentists and other therapeutic appointments will take place outside of the premises. Family visitations will also be done outside the property.

### Information relating to Children's Homes and Planning Use Classes

It is generally accepted that a children's home falls within Use Class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). The Use Classes Order defines Use Class C2 Residential Institutions as:

- *"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*
- *Use as a hospital or nursing home.*
- *Use as a residential school, college or training centre."*

By comparison the same Order defines Use Class C3 (Dwellinghouses):

*"Use as a dwelling house (whether or not as a sole or main residence) by —*

- *(a) a single person or by people to be regarded as forming a single household;*
- *(b) not more than six residents living together as a single household where care is provided for residents; or*
- *(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."*

Case law has established that children are not capable of forming a "single household" as required by Use Class C3. The key case on this matter *North Devon DC v First Secretary of State [2003] EWHC 157 (Admin)* established that children are not able, on their own, to form a 'single household' because they are not capable of living without adult care and supervision. The case also importantly established that non-resident carers are not deemed to be part of the household, even in circumstances where care is provided to the children 24 hours a day, seven days a week. Taking this into account, the correct Use Class for a children's home will most frequently fall within Class C2.

The current application proposes a children's home for up to four children with up to four non-resident carers present. Having regard to the definitions within the Use Classes Order and the established case law, it is considered that the proposal does fall within Use Class C2 (Residential Institutions).

Notwithstanding the intended C2 Use Class, the change of use may not amount to development requiring planning permission where the change is not considered 'material'. It is therefore necessary to consider as a matter of fact and degree whether the operation of the property as a children's home would introduce a use that would be markedly different in its character and impacts to a normal dwelling house such that the changes could be considered 'material'.

The current proposals do not result in any physical external changes to the property and thus outwardly the property will retain its current appearance as a dwellinghouse.

The application does seek to combine two dwellings into a single unit through the demolition of an internal wall. Given the proposed changes are internal and would not create an additional planning unit, this aspect of the proposal is considered to not constitute operational development and therefore does not require planning permission.

However, the occupation of the property by up to 4 carers working in shift patterns and the comings and goings associated with this, in addition to visiting supporting professionals, could be considered marginally different to what might normally be expected of a dwelling house. Accordingly, it is considered that the proposal tips the balance and would amount to a material change of use requiring planning permission.

## **Planning Policy and Guidance**

### **National Planning Policy Framework**

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

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

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

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

### Policy 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 Settlement Boundaries of the Principal Urban Area (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe). Policy CS1 further states that encouragement will be given to the use of Previously Developed Land (brownfield) and underused land and buildings.

### Policy CS2 – Design of new development

Policy CS2 seeks to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality, including layout and street design, contributing to a better quality of life for the local community. The design of new development should also be appropriate to its context.

### Policy CS8 – Mix of Housing

Policy CS8 Mix of Housing aims to provide an appropriate mix of housing types within the District to meet the requirements of current and future populations. One of the criteria within the Policy states that the Council will work with partners (including Registered Providers (RPs), developers and others) to meet any identified needs of specific groups through the delivery of Special Needs Housing, including, *inter alia*, provision of supported housing to meet other identified needs.

### Policy CS10 – Transport Infrastructure

Policy CS10 seeks to limit the impacts of new development on levels of vehicle movements, congestion and on the environment.

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

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, including housing delivery - with the golden thread running through the decision-making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals, the District Council will take a positive approach and will

always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

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

### Policy DM1 – Development within the Settlement Boundaries

Policy DM1 sets the principle for built development within the Settlement Boundary provided it is consistent with the other policies of the Local Plan, has a satisfactory relationship with nearby uses and would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, or prejudice the comprehensive development of the wider area.

### 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.

## **Leicester Forest East Neighbourhood Plan (2021)**

### Policy H3 - Housing Mix

Policy H3 states that to be supported proposals for new housing must demonstrate how they provide dwellings of 1, 2 and 3 bedrooms; or homes suitable for older people, including 2 and 3 bedroom bungalows; or dwellings suitable for people with restricted mobility, unless the latest assessment of local needs indicates otherwise.

### Policy H5 - Housing Design

Policy H6 states that all new development proposals of one or more houses, replacement dwellings and extensions will be expected, where possible and appropriate, to satisfy a range of design criteria, including suitable densities, scale and massing, use high quality materials, provide adequate off-road parking, provide suitable landscaping and reflect best environmental good practice.

### Section 5.5 Transport

Part 5.5 of the Neighbourhood Plan sets out objectives and associated community actions with regard to traffic and transport. Amongst other things this section states *“The Plan focuses on those areas where it can have an influence on the need to travel by car, highway safety and parking provision. It includes measures to promote new areas for parking and ensure that, where necessary, traffic management measures are provided in connection with new development”*.

## **Material Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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.

All material considerations must be carefully balanced to determine whether negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail.

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

- Principle Of Development
- Housing Need
- Character And Appearance
- Residential Amenities
- Highways and Parking Considerations

### **The Principle of 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). The application site is within Leicester Forest East and lies within the designated PUA.

The Development Plan does not contain a specific policy on children's homes. However, Policy DM1 sets the principle for residential development within the Settlement Boundary provided it has a satisfactory relationship with nearby uses and would not be significantly detrimental to the amenities enjoyed by existing and nearby residents.

Given the residential nature of the proposal in this location, the site's location within the settlement boundary and its proximity to a range of local services and facilities, it is considered that the principle of development is acceptable, subject to its impacts in terms of residential amenities and the character of the area. The development's impacts are assessed further on in the report.

### **Housing Need**

Core Strategy Policy CS8 seeks to meet the needs of specific groups through the provision of supported housing. The current proposal would accord with these objectives and help to fulfil the social objective of planning as set out in paragraph 8 of the NPPF 2023, which seeks to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

Neighbourhood Plan Policy H3 states that to be supported proposals for new housing must demonstrate how they provide dwellings of 1, 2 and 3 bedrooms; or homes suitable for older people, including 2 and 3 bedroom bungalows; or dwellings suitable for people with restricted mobility, unless the latest assessment of local needs indicates otherwise.

There is an identified need for children's care homes. The representation from Blaby District Council's Housing Strategy Team sets out their reasons for supporting the application, citing the need for such development given the number of looked after children in England has risen by 11% to 83,840<sup>1</sup> and the use of unregulated care placements for these children has risen by 20 % in the years 2022-2023 alone.

Blaby District Council Housing Strategy have also highlighted that the overarching vision for the Blaby District Council Housing Strategy 2021 – 2026 is that *“A good home is fundamental to feeling safe, secure, and well. A good home provides a settled base to maximise learning and employment opportunities for all generations”*.

The dwellings have been used as market housing since first occupation and are suitable for family living. The amenity space provided is sufficient for such use. There is no evidence that the change of use of the properties to a children's home would not provide sufficient space and accommodation for such use. The internal arrangement of rooms would be for the providers to decide in liaison with social care and Ofsted to ensure the best care for the children.

The proposal would result in the loss of two C3 market dwellinghouses. However, this would not have a material impact on the Council's position with regard to housing land supply with the latest demonstrated position being a 3.69-year housing land supply in Blaby District. Furthermore, the proposal is residential in nature and would provide an identified need for housing for children within a community setting close to a range of services and facilities. It is considered that the impact of the loss of two dwellinghouses is significantly outweighed by the benefits of the scheme.

### Character and Appearance of the Area

No external alterations are proposed to the properties and while the proposal would amalgamate two dwellings the alterations are internal. Significantly the buildings will retain the external appearance of two dwellings and therefore the new use will not have any visual impact upon the street scene or appearance of the area.

Concerns have been raised in representations that the application seeks to introduce a business use into a residential area. As discussed, the development falls with Use Class C of the Town and Country Use Calls Order which relates to residential development uses, not employment uses. Whilst the proposal will provide employment opportunities at the site, these would support the residential occupation of children at the site. It is acknowledged that there could be a level of activity at staff cross over time, however, this is not considered to be materially different to the level of activity at a normal residential dwelling and would have a significantly detrimental impact on the

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<sup>1</sup> [Children looked after in England including adoptions, Reporting year 2023 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

character and appearance of the area. Accordingly, the proposal is in accordance with Policies CS2, DM1 and H5.

### Residential Amenity

Policy DM1 requires that new development provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers, including, *inter alia*, consideration of privacy, noise, disturbance, hours of working and vehicular activity.

The application seeks permission for the change of use of two dwellings to a 6-bed (4 bedrooms and 2 staff rooms) residential care home for up to four children (aged 4-11) cared for by up to four members of staff. The total occupancy at the application site at any one time would therefore be up to eight people. This would be similar to the level of occupancy which would reasonably be expected for the existing 2x three-bedroom dwellings from two families. The scale of the proposed use is therefore considered to be appropriate to the size of the property and would not be out of keeping with the residential character of the surroundings.

With round-the-clock supervision of the children it is not considered that it can be reasonably or automatically concluded that noise and disturbance arising from the proposed C2 use would be significantly different to that that may occur if the properties were occupied by families with children. Furthermore, the occupancy is to be conditioned to limit the use to the residential care of four children and four staff only. Any such change would require planning permission to vary the occupancy levels.

It is acknowledged that the provision of care would make the use distinguishable from family dwellings with staff shift changes taking place albeit on a staggered basis. Even with staff travelling individually to the property, the nature of the associated comings and goings are still not considered to be so intensive that significant detrimental impacts on residential amenity could be demonstrated, as set out in Policy DM1.

In respect of visitors to the property, the supporting information states that visitors to the property would be on an appointment basis only. Due to the scale of the proposal it is not considered that visitors would cause undue noise or disturbance to nearby residents to such an extent that it would render the use unacceptable in amenity terms.

Regard has been given to concerns raised in representations in relation to air pollution, antisocial behaviour and crime. With regard to air pollution, it is considered that the number of vehicular movements would remain consistent with the existing level of activity on the site, and as such would not result in an increase in air pollution. With regard to antisocial behaviour and crime it is considered that the behaviour of children cannot be quantifiable, nor is it a given that such behaviour would occur, or necessarily be limited to children in care that could also perceptibly occur in a traditional family setting.

Concerns have also been raised regarding the regulation of such institutions, particularly within residential areas. This falls outside planning regulations and would be a matter for Ofsted and the responsible Local Authority for children's services.

In conclusion, it is considered that the proposed use of the buildings will not be significantly detrimental to the amenities enjoyed by the existing or new occupiers of nearby uses and as such the application accords with Policy DM1.

### Highways and Parking Considerations

Policy DM8 requires housing development, including residential development that affects parking or garage space to provide an appropriate level of parking provision that complies with the most up-to-date Leicestershire Local Highway Guidance; and is justified by an assessment of the site's accessibility, the type and mix of housing and the availability of and opportunities for public transport.

Concerns have been raised in representations regarding access to the off street car parking at the rear of the property, the accumulation of cars within the vicinity and the impacts of this on highways safety.

The application site has six off street car parking spaces which includes two garages. The Leicestershire County Council's Highway Design Guide (LHDG) states that the parking provision for a C2 use should consist of one car space per three bedrooms plus one car space for each staff member on site.

However, it should be noted that the C2 use class relates to residential institutions which includes care homes, hospitals, boarding schools, and residential schools and training centres. The LDDG policy therefore covers a variety of uses within the C2 use class. Every application needs to be assessed on its own merits and for this application there will be up to four full time employees other than during the staggered handover periods. Conditions are recommended restricting the level of occupancy of the site, the number of employees and the use to buildings to a Children's Home only and no other use within Class C2.

Leicestershire County Council's highways Department consider the off-street parking provision to be sufficient. Furthermore The Local Highways Authority have advised that they are satisfied with internal layout and that there are no pre-existing highway safety concerns in the vicinity of the site which could be exacerbated by the proposed development.

It is therefore considered, in the absence of a technical objection from the County Highways Authority that this proposal is acceptable on highway grounds, and could not be resisted on highway safety matters and as such the proposal is in accordance with Policy DM8.

### Conclusion and Planning Balance

The site is located within the Principal Urban Area (PUA) which is the focus for most new development. The proposal would assist in providing a supported home for vulnerable children to meet specialised housing needs within the District. These considerations need to be balanced against the need to protect the amenity of residents in their communities, retain the character of the area and avoid harmful impacts upon the highway.

The site is assessed as a suitable and sustainable location for the proposed use. It is considered that this proposal would give rise to no greater level of disturbance or amenity issues than would be normally generated by two traditional Use Class C3 family homes. The proposal would not have an adverse impact upon the character and appearance of the area and the proposed parking arrangements are assessed as acceptable by the Local Highway Authority.

The proposal would result in the loss of two C3 dwellinghouses but this would not materially harm the Council's position with regard to housing land supply. Furthermore, in the planning balance considerable weight is given to benefits of the proposal and the contribution to providing a range of housing types within the District.

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

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