

Blaby District Council
Planning Committee

Date of Meeting **3 October 2024**
Title of Report **Applications for Determination**
Report Author Planning & Strategic Growth Group Manager

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 **24 September 2024** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	22/1049/FUL	11	Land East Of Station Road, Glenfield	APPROVE
	24/0001/OUT	45	Land East of Willoughby Road, Countesthorpe	APPROVE
	24/0117/VAR	120	Unit 3, Fosse Park West Grove Way, Enderby	APPROVE
	24/0133/FUL	139	Land To South West Of Cork Lane, Glen Parva,	APPROVE
	24/0693/FUL	178	Depot, Enderby Road, Whetstone	APPROVE

3.3 Appropriate Consultations

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

3.4 Resource Implications

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

4. Other options considered

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

5. Background paper(s)

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

6. Report author's contact details

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Development Services Manager
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**22/1049/FUL Registered Date EMH Development Company Ltd
25 October 2021**

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

Land east of Station Road, Glenfield

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

RECOMMENDATION:

**THAT APPLICATION 22/1049/FUL BE APPROVED SUBJECT TO THE
IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. 3-year time limit condition
2. Approved plans
3. Materials to be submitted and agreed
4. Foul and surface water drainage to be implemented in accordance with drainage plan.
5. Drainage maintenance regime details to be submitted
6. Landscaping to be submitted and agreed
7. Landscaping to be implemented, including tree protection measures.
8. Access to be provided
9. Access to be surfaced in a bound material
10. Parking and turning facilities to be implemented
11. Surface water not to drain into public highway
12. Provision of secure cycle parking
13. Bin storage to be provided in accordance with plan
14. Removal of permitted development rights for extensions (including to the roof) and buildings within the curtilage.
15. No new windows in the side elevations of either Plot 1 or Plot 2 and windows shown to be obscure glazed and of a top hung opening design only.
16. Implementation of ecological enhancements – installation of integrated or woodcrete swift boxes,
17. Demolition and construction method statement
18. Details of air source heat pumps to be submitted and approved prior to installation.
19. No engineering works approved to the retaining bank with the exception of works in the vicinity of the parking spaces for Plot 2, details of which should be submitted and approved.
20. Ground remediation scheme to be submitted and agreed.
21. Ground remediation works to be carried out and a validation report submitted and approved.
22. Reporting of unexpected contamination.

NOTES TO COMMITTEE

This application has been brought before the Planning Committee as Blaby District Council is the current owner of the application site.

Policy and Relevant Legislation

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 – Housing Mix
Policy CS10 – Transport Infrastructure
Policy CS13 – Retailing and other town centre uses
Policy CS19 – Bio-diversity and geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate Change
Policy CS22 – Flood Risk Management
Policy CS23 - Waste
Policy CS24 – Presumption in Favour of Sustainable Development

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

Policy DM1 – Development within the Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards
Policy DM12 – Designated and Non-designated Heritage Assets

Glenfield Neighbourhood Plan 2022-2029 (2023)

Policy H1 – Settlement Boundary
Policy H3 – Windfall sites
Policy H4 – Affordable Housing Provision
Policy H5 – Design Principles
Policy ENV5 – Local Heritage Assets
Policy CC2 – Energy Efficient Buildings
Policy T1 – Traffic Management
Policy T2 – Car Parking

National Planning Policy Framework (2021)

National Planning Policy Framework (NPPF) 2024 (consultation)

National Planning Guidance

Other relevant documents

Blaby District Plan 2024 – 2028

Blaby District Council Car Parking Strategy 2022 – 2027

Blaby Residential Land Availability Report (March 2023)

Glenfield Conservation Area Character Appraisal (2014)

Planning (Listed Buildings and Conservation Areas) Act 1990

Consultation responses

Blaby District Council, Environmental Services – Comments given. (1) The application has provided a Phase II Geo-Environmental Assessment Report. A remediation scheme should be submitted, together with proposals for ongoing monitoring, measures for dealing with unexpected contamination and submission of a validation report. (2) recommend condition in respect of Construction Management (3) recommend condition in respect of drainage.

Amended Details Consultation (September 2024)

Comments given. Previous comments still apply plus recommended condition in respect of air source heat pump details.

Blaby District Council, Housing Strategy – Support the application. (1) Tenure and property types are tailored to meet the needs of the District and meet our size requirements (2) our research demonstrates an increased need for new provision, increasingly long waiting times and severe lack of any suitable private rented properties in the Parish. (3) Regard the site as a critical addition to the current housing stock.

Blaby District Council, Neighbourhood Services

Original Submission Consultation (November 2022) Comments given. It is not clear where residents should present their waste containers for collection. This should be at the boundary of the public highway and be compliant with regulations regarding distance from the bin storage point to the collection point.

Amended Consultation (April 2023) – No further comments.

Glenfield Parish Council

On Original Submission Consultation (November 2022) Objections.

“We refer to the above planning application and comment as follows:

Reference Planning Statement prepared by Marrons Planning on behalf of East Midlands Housing (EMH)

- *Proposed Development - Section 3.8*

The Street View illustration document included in the application is misleading and unhelpful. It does not indicate the elevation that the proposed building will be at, and it does not illustrate the steep earth banks to The Balk or at the rear.

The Topographical information clearly shows that there is a fall of 0.97 metres across the site. The Block Plan indicates that the banks to the rear and side of the site will be cut back. The level of the Balk at the rear of the proposed site is shown as 74.99 metres. That will result in a retaining wall height between 2.46 and 3.41 metres.

The Balk is the only access route to 11 domestic properties and therefore needs to accommodate emergency vehicles as well as residents' vehicles. Furthermore, the ground in the vicinity is very sandy and there is therefore a risk of subsidence during the excavations.

The proposed 500mm Gabion Wall would seem inadequate to provide sufficient strength for that and we would suggest that an independent Civil Engineer's report be submitted to validate any proposed solution.

Furthermore, in order to increase the thickness of the proposed gabion wall, it will be necessary to either undercut the Balk, or to reduce the proposed block plan area.

Given that there is no other vehicular access to properties on The Balk, whether residents or emergency vehicles, and that the soil condition under The Balk is sandy, a detailed civil engineering survey and design and construction phase plan will also need to ensure that the stability of The Balk and properties on it are not compromised in either the short or long-term.

- Legislation and Planning Policy Context - Section 4.6. Access and mobility needs
The proposed plan does not consider the mobility needs of existing users of the Methodist Chapel or the nearby shops.

- Blaby District Local Plan (Delivery) DPD (2019) - Section 4.15
Policy DM1 (Development within the Settlement Boundaries)- The Blaby District Local Plan (Delivery) DPD (2019) specifies that developments "will provide a satisfactory relationship with nearby uses that **would not be significantly detrimental to the amenities enjoyed by existing or new occupiers** (including consideration of privacy, light, noise, disturbance and overbearing effect)". The proposed development will in our opinion be significantly detrimental to the existing occupiers of the local business and community buildings and is therefore not in line with the policy.

Section 4.17

Policy DM 12 Designated and Non-Designated Heritage Assets) - The proposed development is within the marked Conservation Area.

"By 2029, Glenfield will be a vibrant, healthy, well-balanced community that continues to be a great place to live, to be educated, to work and to visit whilst maintaining its historic character and separate identity **with an attractive conservation area** and variety of open spaces."

"The Plan seeks to protect the Conservation Area and Glenfield's heritage through the identification of non-designated heritage assets alongside the 66 buildings and structures in the Plan area that already have statutory protection through Listing at Grade II or higher."

- Section 4.24 – well designed places

The proposal **does not** “provide a high standard of amenity for existing users”.

- Draft Glenfield Neighbourhood Plan 2022-2029 – section 4.31.

The need to use Station Road or the entrance to The Balk for loading, unloading and disabled persons drop-off will “result in a severe direct or cumulative impact on congestion or road and pedestrian safety”.

- “Draft Policy T2 (Car Parking) – Section 4.37

The proposed development would be contrary to the Glenfield Neighbourhood Plan 2022 – 2029, in particular **Policy T2: Car Parking** which states

“Glenfield has limited public car parking areas and the residents are rightly concerned about increases in street parking, which has unfortunately become essential for houses which either have no garages or off-street parking availability. This is causing an impact on the wide variety of vehicles that need to travel through the village including essential utility services and agricultural machinery. Where possible residents should be encouraged to use their garages and existing driveways to park their cars to reduce this problem. Any proposed new developments should include adequate off-street parking arrangements and garages to mitigate this issue.

Development proposals which would result in the loss of off-street parking would only be acceptable where: a) it can clearly be demonstrated that there is no longer any potential for the continued use of the land for car parking and that the loss of car parking will not aggravate an existing shortfall of spaces in the vicinity. b) Adequate and convenient replacement car parking spaces will be provided elsewhere in the vicinity. The Neighbourhood Plan will actively support proposals to develop off-street car parks in the village at a suitable location.”

The proposed development clearly does not meet these criteria.

- High Quality Design - Section 5.5

The proposed 2-bed properties also accord with the emerging Draft Neighbourhood Plan Policy H2, which aims to prioritise 2/3 bedroom homes. This reflects a need for smaller homes of 1/2 two bedrooms which would be suitable for residents needing to downsize, small families and those entering the housing market. Out of context, this is used to justify these properties but the need for people who own larger homes to downsize and for people to get onto the housing ladder in the first instance means home ownership and in the second at least co-ownership with a right to buy.

- Assessment – section 5.7. Loss of car parking

“The results indicate that the level of parking demand which will be displaced because of the proposed development can be accommodated within other local car parks without any adverse impacts on the local highway or the accessibility of the District Centre by car”.

“The retail unit to the south of the site has 2no. dedicated parking spaces in front. There is also alternative parking on Stamford Street, to the south of the site and in the northern part of the District Centre, including the Morrison’s supermarket”

The car park on Stamford Street is subject to marketing for sale although it is at least in part subject to covenants meaning it must remain a car park. It is though just over 300 metres away. The car park subject to this application and currently in public ownership; serves among other users, the Methodist Church adjacent and like most churches the age of many attendees is considerable.

The claim that there is a car park to the northern part of the District Centre implies it is a car park in public use. It is in fact a private car park owned by Morrisons for the use of its customers. It therefore follows that the statement “The proposed development will result in the loss of general parking within the District Centre. A car parking survey has been undertaken to understand the impact of the loss. The results indicate that the level of parking demand which will be displaced because of the proposed development can be accommodated within other local car parks without any adverse impacts on the local highway or the accessibility of the District Centre by car” is inaccurate.

- *Highways, Access and Parking Arrangements – Section 5.8.*

“The proposed development will not have any adverse impacts on the local highway in terms of highways capacity and road safety”. This is irrefutable as no applicant can be expected to correct the mistakes of the past, or pre-existing situations. However, attempts have been made to ensure cars leaving the car park always turn left as there have been many accidents at this dangerous location.

- *The proposed development would require a significant number of heavy vehicle movements onto and off the site. Given that the location has an adjacent blind bend in both directions, one of which is also coincident with a blind brow, that there is a vehicle exit into and from The Balk, and that the traffic load on Station Road has already increased significantly because of developments on Kirby Lane and at Optimus point, there will inevitably be a considerable adverse impact on vehicle traffic and safety over an extended period.*

- *Heritage Matters – Section 5.11*

We would take issue with the description that the “open car parking area generally detracts from the street scene within the Conservation Area due to its large expanses of tarmac has relevance in this case”. This small but useful car park is hidden from view other than from head-on due to the topography.

- *Climate Change – Section 5.12*

We would point out that the emerging Glenfield Neighbourhood Plan Policy H5: DESIGN PRINCIPLES sets out various desired standards which would apply to this scheme.

Development proposals must respond positively to the character and historic context of existing developments within the Parish and have regard for the character of the immediate area. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. The Plan requires that they have regard to the following design principles, where appropriate:

- c) the incorporation of sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low*

carbon technology; and the incorporation of appropriate sustainable drainage systems. Drives and private spaces should be porous in nature wherever possible.

d) energy efficient design should be incorporated into proposals to prevent unnecessary heating and cooling. The ambition should be a net zero carbon footprint for habitations and construction costs with the following features supported:

- i) Light external finishes on properties and reflective roofs or green roofs to play a part in keeping temperatures down in a warming climate. Vegetation to provide valuable shade and cooling effects for individual homes;
- ii) Siting and orientation to optimise passive solar gain;
- iii) The use of high quality, thermally efficient building materials;
- iv) Installation of energy efficient measures such as loft and wall insulation and double glazing;
- v) Meeting the Buildings Research Establishment BREEAM building standard 'Very Good' or equivalent standard, unless it can be demonstrated that this is not viable.

We would expect note to be taken of these issues.

- Other Technical Matters – Ground Conditions - Section 5.13

The planning application states that there are no ground contamination issues. The Land Contamination Assessment however clearly states that there is a harmful level of lead contamination which will require the renewal of up to 600mm of topsoil. The survey also identifies sandy soil.

- Other Technical Matters – Ecology – Section 5.13

We would point out that the Balk has a locally very rare colony of Sparrows; **a nationally endangered species**
Impact on current users of the car park.

The proposed developer's surveys demonstrate that the car park is used for 24 hours every day of the week with an average of 10 vehicles during week days. From our investigations it is used by:

- Customers of businesses on Station Road and Stamford Street
- Users of the Methodist Church
 - Many are elderly and infirm and need car parking adjacent to the church.
 - Church events such as fundraising and social events.
 - Wedding and funeral guests
- Users of the Methodist Church school rooms
 - Parents with young children
 - Activity groups
 - Social and fundraising events
- Residents of Station Road - there is no other provision for residents parking
- Visitors to properties in The Balk - there is no ability for visitors to park in The Balk

- *There is already insufficient on-street parking for current users - The Avenue is regularly restricted on both sides making it impossible for large vehicles, including emergency services and Blaby District Council's waste collection vehicles, to access properties in The Avenue and The Balk*
- *Other roads in the vicinity have double yellow lines or single yellow lines.*
- *Alternative parking proposed in the Phase 2 Geo-Environmental report are all private, they are not public spaces and are not intended for use by visitors and staff of the Methodist Church, businesses on Station Road or to properties nearby.*
- *The proposed development would deprive disabled people of access to the Methodist Chapel or to the businesses on Station Road.*

We believe that the points raised above should be fully considered and that the planning application should be refused.

Addendum to objections from Glenfield Parish Council 15.12.2022

The Street View illustration document included in the application is misleading and unhelpful. It does not indicate the elevation that the proposed building will be at, and it does not illustrate the steep earth banks to The Balk or at the rear.

The Topographical information clearly shows that there is a fall of 0.97 metres across the site. The Block Plan indicates that the banks to the rear and side of the site will be cut back. The level of the Balk at the rear of the proposed site is shown as 74.99 metres. That will result in a retaining wall height between 2.46 and 3.41 metres.

The proposed 500mm Gabion Wall would seem inadequate to provide sufficient strength for that and we would suggest that an independent Civil Engineer's report be submitted to validate any proposed solution.

Furthermore, in order to increase the thickness of the proposed gabion wall, it will be necessary to either undercut the Balk, or to reduce the proposed block plan area – Diagram 1 indicates recommended excavation for safe construction.”

Amended Details Consultation (April 2023) Objections.

“Having had due regard to planning obligations and climate change we have; -

B) Objections:

22/1049/FUL Description: Erection of 2 no. dwellings (Use Class C3) with access from Station Road and onsite parking, together with associated works including landscaping. Location: Land East Of Station Road, Glenfield, Leicestershire.

With regard to planning application 22/1049/FUL:-

Original comment:-

Highways, Access and Parking Arrangements – Section 5.8. “The proposed development will not have any adverse impacts on the local highway in terms of highways capacity and road safety”.

This is irrefutable as no applicant can be expected to correct the mistakes of the past, or pre-existing situations. However, attempts have been made to ensure cars leaving the car park always turn left as there have been many accidents at this dangerous location.

Further comments given are:-

As previously pointed out, the proposed development will have an adverse impact on the local highway in terms of highways capacity during the construction phase and road safety is an ongoing concern. Numerous attempts have been made to ensure cars leaving the car park always turn left as there have been many accidents at this dangerous location including a fatality assumed to be in part because of the blind summit.

The revised access drawing are an improvement but still do not address the issue of right turns. The exit could be shaped and the drop kerbs located such that turning right would be exceedingly difficult. To go the right is comparatively easy by going left a few yards and then turning round at the roundabout.

We are still opposed to this development for this and the other reasons given in our original submission.”

Amended Details Consultation (August 2023): No further comments.

Amended Details Consultation (September 2024)

*“GLENFIELD PARISH COUNCIL **objects** to planning application 22/1049/FUL and requests that the following observations are added to our previous objections to this application made in December 2022.*

- The designated conservation status of the area prohibits further development and should be strictly respected. The proposed development’s design does not harmonise with the existing architectural styles of the area, and the roadside fencing is also incongruent with the surroundings.*
- Refuse collection vehicles will face logistical challenges as they will neither be able to turn within the car park nor safely back in or out, especially considering its location on a bend and the brow of a hill. This would necessitate these vehicles to park on the road while bins are emptied, creating potential hazards and traffic disruptions.*
- The development plan contravenes Policy T2 of the Glenfield Neighbourhood Plan by failing to address the displacement of parking. There is no authorization from privately owned car parks to use their spaces, and the elimination of two disabled parking spaces means there will be no accessible parking within 200 meters. Furthermore, the transport assessment’s assertion that the Stamford Street Car Park will be owned by the parish council is incorrect. In reality, the car park is being acquired by another entity, thereby rendering it a privately owned space upon completion.*

Leicestershire County Council, Archaeology – Comments given. No significant direct or indirect impact upon the archaeological interest of any known or potential heritage assets. No further archaeological actions required.

Leicestershire County Council, Ecology – Comments given. Please refer to standing advice in respect of swifts and recommended requirements for swift boxes/bricks.

Amended Details Consultation (September 2024)

Previous comments apply.

Leicestershire County Council, Forestry – Comments given. (1) The submitted plans propose to retain the holly tree with construction of supporting gabions to be undertaken outside of root protection area in accordance with arboricultural method statement.(2) landscape planting and maintenance plan, should be provided by condition.

Amended Details Consultation (September 2024)

Comments (1) Amended scheme proposes an appropriate palette of hedges, trees and shrubs and ground cover species to ensure that the site is appropriately landscaped and screened as necessary.

Leicestershire County Council, Highways

Original Submission Consultation (November 2022): Further information is required

- (1) Access width should be reduced and dropped kerb provision reduced
- (2) Visibility splays of amended access should be demonstrated
- (3) Parking Accumulation Survey demonstrates that Stamford Street does not have the ability to accommodate vehicles displaced from Station Road during the week from mid-afternoon until mid-evening with as many as 17 vehicles seeking a place to park at any one time. The LHA are of the view that displaced vehicles may seek to park on the highway.
- (4) Alternative parking locations suggested by applicants are private car parks and no evidence has been submitted to demonstrate that these car parks allow public parking.
- (5) Applicant has failed to demonstrate appropriate alternative public parking to accommodate displaced vehicles.
- (6) Whole of the retaining wall will need to be within the Applicant's land and not under The Balk
- (7) LHA are concerned about the lack of a vehicle restraint system at the top of the wall
- (8) Further information is required relating to the proposed gabion wall.
- (9) No recorded pre-existing highway concerns however, there are outstanding concerns relating to the highway safety impact on the surrounding roads through possible increases in on-street parking.
- (10) parking provision is acceptable.

Amended Details Consultation (April 2023) Further information required. (1) Revised access and visibility splay drawing is acceptable. (2) Other outstanding matters noted in original comments are unresolved.

Amended Consultation (August 2023 – Receipt of technical note ‘Additional Information on Car Parking) Further information required. (1) LHA acknowledge that it cannot be guaranteed that vehicles displaced from Station Road would automatically seek to park in Stamford Street and welcome that the Applicant has explored other options for parking locations. (2) LHA request that agreement is obtained from Morrisons that they do no objection to their car park accommodating vehicles displaced by the closure of Station Road car park.

Further comments given (1) Whilst the loss of a free to use car park is not ideal, Blaby District Council has taken the decision to dispose of the car parking and the displacement of parking is not directly attributable to the proposed development of the two dwellings. (2) Glenfield Methodist Church have no dedicated off-street parking provision and the loss of two disabled spaces is not welcomed (3) The LHA are aware of the view that the removal of the car park may promote the use of sustainable methods of transport, walking and cycling. (4) development could lead to increased on-street parking, however, this will not impact the existing highway network in the vicinity of the site due to the presence of double yellow lines on either side of the carriageway.

Amended Details Consultation (September 2024) Comments awaited

Leicestershire County Council, Historic Buildings Officer – Comments given. (1) Sensitive redevelopment of the site could enhance the character and appearance of the conservation area and comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. (2) At present site allows attractive views of the adjoining historic chapel and associated dwellings on The Balk. Whilst the development largely preserves this positive attribute it appears, unless amenity concerns are an issue, that the new building could be located further forwards to more effectively fill the gap in the existing streetscene. (3) Scale and design of dwellings, except for unnecessary decorative brickwork to the lower course is of pseudo vernacular style and should not unduly compromise significance of the heritage asset (4) Close boarded fence along The Balk compares unfavourably with traditional boundaries in the area (5) Overall effect of the submitted scheme is neutral or positive and therefore complies with the statutory obligation.

Severn Trent Water – No comments received.

Representations

Original Submission Consultation (November 2022)

81 letters of representation received objecting to the development. The comments received are summarised below:

Biodiversity

- Rear bank of car park contains a fox den which should not be destroyed or blocked up in accordance with the Wild Mammals Protection Act (1996).

Conservation Area impacts

- This is a conservation area and should not be changed to suit Council.

- Agree that car park appearance could be improved but who will be responsible for maintaining area to the front of the new houses or will this also become unsightly.
- Heritage Statement makes the point that the view of the Church and 1-2 The Balk should not be obstructed yet the proposal implies open railings will be replaced with close boarded fence.
- Housing shown will not improve the visual impact of The Balk Conservation Area.
- Disagree that car park detracts from the street scene; due to the topography the car park is predominantly hidden from view.

Drainage

- Water runs down The Balk and through the gardens behind the car park, eventually ending up in The Square where water accumulates.

Ground conditions/stability

- Understand that there is a subsidence issues which effects the residents of The Balk which will be made worse by development.
- Street view drawing does not illustrate the steep earth banks to The Balk or at the rear
- Retaining wall height of between 2.4 and 3.4 metres will be required.
- Risk of subsidence during the excavations dues to sandy ground in the vicinity.
- 500mm gabion wall would seem inadequate to provide sufficient strength; independent civil engineer's report needed to validate. Increasing thickness of wall will make is necessary to undercut The Balk or reduce the plan area.
- Lead contamination reported in assessment is an environmental hazard.

Highway safety

- Will encourage people to park on the paths making it dangerous for pedestrians and the disabled to pass.
- People will park and block The Balk.
- Bin lorries stopping in this location will cause significant danger to pedestrians and road users.
- Potential hazards from construction traffic.
- Dangerous part of road to pull out onto.
- Accident data taken during Covid when there was less traffic using the roads and so fewer accidents.
- Will increase dangerous road crossing as people with young children, elderly and disabled are dropped off and need to cross busy Station Road.
- Many flaws and errors in Transport Technical Note.
- On street parking already blocks access by refuse lorries and potentially emergency vehicles; this will get worse.
- Limited visibility at access/egress.
- Traffic often speeds in the area.
- Pedestrian crossing location would mean families would have to negotiate a narrow pavement.
- Morrisons car park is dangerous to enter and exit on foot.

Housing

- Many new houses built in and around Glenfield. Do not need two extra houses.

Loss of car parking

- Lack of car parking in the surrounding area.
- Will impact on local businesses and will affect the Methodist Church, library users, playgroup and children's nursery.
- Will make it very difficult to park when services, funeral and weddings take place.
- The Balk is a public walkway and the present car park is therefore used constantly by local residents and visitors/tradespeople.
- Only site with blue badge parking in the centre of the village. How can disabled and elderly support the local community if they cannot park?
- Enough cars already parking on Ashleigh Road.
- Rely on this car park as houses opposite on Station Road have no parking or driveways.
- Very busy and well used car park.
- Will cause havoc for Ashleigh Road residents at school drop off and pick up times
- Should be made a pay and display car park along with a green area.
- Car park used to access shops, dentist, pharmacy and opticians – very little alternative parking.
- Little parking provision for less able-bodied people who will end up with a significant walk or won't be able to access businesses.
- Alternative car parks in Transport Technical Note are all private businesses and no indication that any have been approached and agreed in writing to 'take up the slack'
- Council need to make alternative parking arrangements to support the local residents.
- Car park on Stamford Street often full up too and too far away.
- Morrisons car park is limited to two hours.
- Already experience parking along The Maltings by non-residents.
- Losing valuable social beneficial use.
- Contrary to Policy T2 in the Neighbourhood Plan.
- Car park should have been offered to Glenfield Methodist Church.
- Council has been too concerned with finance issues and have taken their eye off the bigger picture that the public represents.
- Council view car park as unsightly gap but this ignores the essential use of the site over many decades.
- Application's research on car park usage fails to take into account that the Methodist Church has been under refurbishment and many events have not taken place at full scale.
- Vital community resource.
- How does this fit with Disability Rights Act which includes the right to have leisure activities when you are stopping elderly/less mobile from having those rights.

Residential Amenities

- Area not appealing for its environmental aspects – adjacent to a main road, poor air quality
- New properties will cause shading to properties on The Balk

- Properties on The Balk will have their view replaced by the upstairs of the properties and their roofline.
- Not the most private environment for future tenants of the properties.

Social and economic impacts

- Loss of parking will lead to businesses closing and will spoil vibrant village centre.
- Will substantially alter the character of the village. Loss of car park will lead to loss of character due to lack of footfall and closure of the historic shopping heart of the village.
- People will choose not to use our playgroup setting, resulting in loss of playgroup and of six jobs.
- Will result in loss of social contact and potential mental health issues due to enforced isolation, particularly affecting the elderly and disabled.
- Methodist Church have spent a lot of money on the church to enable it to better serve the community. Loss of parking will put a complete block on access to church activities.
- Impacts on businesses and local facilities will impact on the things that make a community.
- Small car park sustains local economy.
- Should stop selling off land that has a purpose to the local community – community should have a vote on this matter.

Waste collection

- Will refuse collection lorries access development or just have to block the main road more than they already do.

Amended Details Consultation (April 2023)

7 representations received objecting to the development raising the following additional issues.

Conservation Area impacts

- Assessment that car park detracts from the Conservation Area is purely subjective and ignores the practice aspects of the case. There are no alternative parking areas.

Highway safety

- Update to proposed visibility of existing does not help the situation of building an exit/entrance on a corner of a road where high walls are beyond the scope of the application area.
- Whilst the proposed development will reduce the number of vehicles entering and existing the site, the assumption ignores potential for increased illegal on-road or on-pavement parking which would increase the risk of accidents.

Loss of car parking

- Stamford Street car park has now been acquired and is not an alternative.

Residential amenities

- Contrary to Blaby District Local Plan (Delivery) DPD. Proposal will be significantly detrimental to the amenities enjoyed by existing occupiers of business, residents and community buildings by removing amenity.

Amended Details Consultation (September 2024)

64 representations received objecting to the development raising the following additional issues.

Conservation Area:

- Conservation area so further development should be prohibited
- Design of dwellings does not align with existing architectural style and proposed roadside fencing is not in keeping with the surrounding environment
- Railings would not fit in with stone walls in the conservation area.

Highway safety

- Road will need better signage with no right turn out of the plot.
- Routes to alternative car parks are poorly surfaced and not well illuminated at night and require crossing of busy roads.

Loss of car parking

- Need for parking far outweighs the benefit of a couple of houses
- Other land available more suitable for two houses
- Car parking survey out of date as undertaken at a time of suppressed demand.
- Even greater need for car park with recently expanded community groups in the church and a new day nursery on Main Street
- Morrisons closes at 10pm and has not agreed to accommodate overflow parking
- Numbers of spaces in Morrisons effected when car park floods.
- 2 hours available at Morrisons not sufficient for some activities.
- Station Road car park is now far busier than when the survey was conducted in 2022
- Stamford Street will be privately owned and not owned by Glenfield Parish Council and won't be an alternative for the Station Road car park.
- Car parking survey should have been taken over longer period.
- Pavement in front of church is too narrow to use for disabled people using a chair or walking side by side with a helper.

Residential amenities

- Will look onto a brick wall and would possibly restrict light to my front room

Relevant Planning History

No relevant planning history.

EXPLANATORY NOTE

The Site

The application site is located on Station Road, Glenfield within the designated settlement boundaries and district centre, as well as within the designated Conservation Area. At present the site is in use as a public car park, operated by Blaby District Council, and contains circa 24 car parking spaces, including two disabled spaces.

The site covers an area of approximately 0.07ha and is mostly hard surfaced with roughly vegetated retaining banks on the northern and eastern boundaries of the site. The surrounding topography generally falls north to south with the adjacent road and public byway (V90), The Balk, being significantly elevated above the site (circa 2m).

The site is surrounded by a mix of residential and commercial uses. To the north the site is bordered by residential properties on The Balk and the Glenfield Methodist Church situated on the corner of Station Road and The Balk. Numbers 1 and 2 The Balk and the church are all non-designated heritage assets. Business and residential premises border the site to the south. To the east and west of the site is housing.

Site background

The site currently remains within the ownership of Blaby District Council, however, Members may be aware that a decision was made at the Full Council meeting on 27th July 2021 to dispose of the application site and to offer it for sale to East Midlands Housing (EMH) for the provision of affordable housing.

The report to Full Council highlighted that the site had been twice previously offered at a nominal value to, and declined by, Glenfield Parish Council. It was also brought to members' attention in the Officer's report that the disposal of the Station Road car park is contingent upon a simultaneous purchase by EMH of other Council owned sites on both College Road, Whetstone and High Street, Whetstone and is subject to planning permission being granted on all sites.

Whilst the Council's decision to dispose of the site provides background to the application, the decision itself is not a determining factor of the planning proposals, which should be considered against the policies of the Development Plan and any other material considerations.

The Proposal

The application proposes the erection of 2no. 2-bedroom semi-detached houses on the site. It is intended that the new dwellings will be managed by EMH and made available for social rent.

The proposed dwellings will be positioned towards the rear (east) of the site along a similar building line as 7 Station Road. Given the proposed siting, the garden spaces serving each dwelling will be located to the front (west) of the houses. Planting is indicated around the boundaries of the garden area and alongside The Balk at the top

of the retaining bank to provide privacy. Two car parking spaces for each dwelling are to be provided within the site frontage, together with a bin collection point.

The new houses are to be of brick and tile construction with simple elevational treatment and hipped roofs and central chimney. The properties have been designed to meet the required space standards.

Alterations are proposed to the site access to provide a narrower access of 5m width meeting the carriageway at a near 90 degree angle and 2m x 2m pedestrian visibility splays.

Amendments have been negotiated during the application process to reposition the dwellings to avoid impacting the retaining bank adjacent to The Balk and to alter the design of the houses in keeping with the Conservation Area and to minimise effects upon neighbouring properties.

Planning Considerations

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

National Planning Policy Framework

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

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

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

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

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

Paragraph 60 of the NPPF says to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of

land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

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

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

National Planning Policy Framework (NPPF) – Consultation 2024

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

DEVELOPMENT PLAN

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

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

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

Policy CS1 – Strategy for Locating New Development

Policy CS1 states that most new development in the District of Blaby, including housing and employment, will take place within and adjoining the Principal Urban Area (PUA) of Leicester. The policy defines the PUA, which includes the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. The application site is therefore located in an area which is to be the District's focus for new housing.

Policy CS2 – Design of New Development

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

Policy CS5 – Housing Distribution

Policy CS5 sets out a minimum combined housing requirement of 5,750 dwellings across the PUA, including 4,250 within the SUE at Lubbesthorpe. The Council's most recently published Residential Land Availability Report (March 2023) details that 2,596 dwellings have been completed within the PUA within the monitoring period (2006 – 2022) leaving 3,154 dwellings to be delivered by the end of the plan period (2029). Whilst Lubbesthorpe SUE has planning permissions in place to deliver the outstanding requirement in the longer term, there remains an outstanding residual requirement for houses to be delivered within the PUA for this plan period.

Policy CS7 – Affordable Housing

Policy CS5 seeks to ensure the delivery of affordable housing through developer contributions; either on site or via commuted sums, rural exceptions sites or Registered Provider led schemes in order to meet the needs of the District's current and future populations. The application proposed two affordable dwellings would make a positive contribution to delivery of affordable housing in the District.

Policy CS8 – Housing Mix

Policy CS8 aims to ensure that an appropriate mix of housing type, tenure and size is provided to meet the needs of existing and future households in the District, taking account of information in the latest Strategic Housing Market Assessment. It states that the Council will work with partners (including Registered Providers, developers and others) to meet any identified needs of specific groups through the delivery of special needs housing, including provision for extra care accommodation, supported housing and housing designed to meet wheelchair access standards.

Policy CS10 – Transport Infrastructure

Policy CS10 seeks to ensure that appropriate measures are taken to mitigate the impacts of the development and ensure that it is adequately supported by the provision of adequate infrastructure and does not overburden existing infrastructure. It indicates that the preferred approach is to seek to reduce the need to travel by private car by locating new development so that people can access services and facilities easily. It states that the Council will be flexible in the implementation of residential parking standards, indicating that the number of spaces required will depend on the type of property and whether developments have genuine access to good public transport and/or services and facilities.

In respect of parking in 'centres' Policy CS10 states that in order to encourage people to walk, cycle or use public transport, car parking charges will be applied in Blaby,

Narborough and other centres that contain a range of services and facilities that are likely to attract car-borne movements for employment, retail and leisure uses (and where frequent and comprehensive public transport alternatives are available).

Policy CS13 – Retailing and other town centre uses

Policy CS13 establishes a retail hierarchy in Blaby District, which includes centres such as Leicester, that have a functional relationship with the District. Glenfield is defined as a 'district centre' alongside Enderby and Narborough. District centres feature third in the hierarchy, after Leicester City centre and town centres (including Blaby within the district). The policy states that these centres have an important role in providing shops, services and employment opportunities for their local communities and that further retail development will be supported. Policy CS13 continues that the Council will seek to protect important local community facilities, such as pubs and community halls, from being lost through redevelopment.

Policy CS19 – Bio-diversity and Geo-diversity

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

Policy CS21 – Climate Change

Policy CS21 states that development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency. It also seeks to encourage the use of renewable, low carbon and decentralised energy and states that renewable and low carbon energy generation will be supported within the District providing the proposal accords with the conditions outlined in the policy.

Policy CS22 – Flood Risk Management

Policy CS22 sets out strategic objectives to ensure that all new development minimises vulnerability and provides resilience to flooding. The site is located within Flood Zone 1 where flood risk is considered to be low and where residential use is considered to be compatible.

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

Policy DM1 – Development within the Settlement Boundaries

Policy DM1 states that within the Settlement Boundaries, as set out on the Policies Map, development proposals consistent with other Policies of the Local Plan will be

supported where certain criteria are met. These criteria relate to the development being in keeping with the appearance and character of the existing landscape, development form and buildings, the development providing a satisfactory relationship with nearby uses, the development not resulting in overdevelopment of the site, having a satisfactory layout, design and external appearance, and not prejudicing the comprehensive development of the wider area.

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking and servicing provision within all forms of development, as set out in the Leicestershire Local Highway Guidance. It also requires development to meet highway design standards as set out in the Leicestershire Local Highway Guidance.

Policy DM12 – Designated and non-designated heritage assets

Policy DM12 sets out that all new development should seek to avoid harm to the heritage assets of the District. Development proposals that conserve or enhance the historic environment will be supported. The policy reflects the approach in the NPPF towards heritage assets, stating that designated assets and their settings (including Conservation Areas) will be given the highest level of protection. Where less than substantial harm is identified, the scale of harm will be weighed against the public benefits of the proposal. In respect of non-designated heritage assets, policy DM12 states that a balanced consideration will be applied and proposals supported where the benefits of the scheme are considered to outweigh the scale of any harm or loss.

Glenfield Neighbourhood Plan (2023)

Policy H1 – Settlement Boundary

Policy H1 states that development proposals within the settlement boundary will be supported where they comply with the policies of the Neighbourhood Plan and Blaby District Local Plan Core Strategy and subject to meeting design policy and amenity considerations.

Policy H2 – Housing Mix

Policy H2 seeks to ensure that development proposals comprising ten units or more provide a mixture of housing taking into account assessment of housing need. Whilst the application proposal is not of a scale to trigger the requirement, it is noted within the Policy H2 that priority should be given to dwellings of 2 and 3 bedrooms and to homes suitable for older people.

Policy H3 – Windfall sites

Policy H3 is a criteria based policy that supports residential development proposals for infill and redevelopment sites subject to compliance with listed criteria including being located within the settlement boundary, helping to meet the identified housing requirement for Glenfield in terms of housing mix.

Policy H4 – Affordable Housing Provision

Policy H4 requires affordable housing to be provided on major development sites of 10 or more dwellings. The policy sets out that the mix of affordable housing shall be in line with up-to-date evidence of housing need in Glenfield.

Policy H5 – Design Principles

Policy H5 states that development proposals should respond positively to the character and historic context of existing development within the Parish and have regard for the character of the immediate area. Development will be encouraged which, inter alia, does not impact on the amenities of neighbouring occupiers.

Policy ENV5 – Local Heritage Assets

Policy ENV5 identifies a number of buildings within the Neighbourhood Plan as non-designated heritage assets. The list includes the Methodist Church and nos.1-2 The Balk, both of which neighbour the site and which are listed in the Leicestershire Historic Environment Record (HER) as buildings of local historic significance. The Nags Head public house to the northeast of the site on Station Road is also noted to be local historic or architectural significance.

Policy CC2 – Energy Efficient Buildings

Policy CC2 states that the design and standard of any new development should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

Policy T1 – Traffic Management

Policy T1 has regard to the highway network in the Parish and the need to minimise any increase in vehicular traffic, requiring all development to incorporate sufficient off-road parking in line with Leicestershire Highways standards.

Policy T2 – Car Parking

Policy T2 states that development proposals that would result in the loss of off-street car parking would only be acceptable where:

- a) It can be clearly demonstrated that there is no longer any potential for the continued use of the land for car parking and that the loss of parking will not aggravate an existing shortfall of spaces in the vicinity.
- b) Adequate and convenient replacement car parking spaces will be provided elsewhere in the vicinity.

The Neighbourhood Plan will actively support proposals to develop off-street car parks in the village.

Material Considerations

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

The following are considered the main material considerations in the determination of the proposal:

- The principle of the development and 5 year housing land supply position;
- Affordable housing need;
- The impact on heritage assets and design
- Loss of car parking;
- The impact on the highway
- The impact on residential amenities;
- Biodiversity;
- Land stability;
- Contamination;
- Waste;
- Climate change.

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

The application site is located within the settlement boundaries of Glenfield, a settlement which is defined in Policy CS1 as forming part of the Principal Urban Area (PUA) where most development will be focussed. Policies H1 and H3 in the Glenfield Neighbourhood Plan (GNP) also support the principle of providing new housing within the settlement. The site is accessible to facilities and services, including public transport, and is considered to be in a suitable and sustainable location for new housing and consistent with the Development Plan's spatial strategy.

The site also forms part of the designated District Centre, as shown on the adopted Blaby Local Plan Proposals Map. Policy CS13 is silent on the development of new housing within District Centres, however, paragraph 90 of the NPPF encourages planning policies and decisions to take a positive approach to town centre growth, management and adaptation and sets out that planning policies should “*recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.*” In principle terms, it is considered that new housing on the site would not conflict with the Development Plan in terms of town centre policies.

The Council's Residential Land Availability Report (2023) highlights a shortfall in housing delivery within the PUA. As of 31st March 2023, a total of 2,596 homes had been completed in the PUA, leaving a residual requirement of 3,154 homes within the plan period to meet the PUA requirement. Forecast completions in the PUA to 2029 indicate it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period. Although very modest, the proposed development would make a positive contribution to PUA housing supply.

The Residential Land Availability Report also recognises the fact that the Council cannot currently demonstrate a five year housing land supply as required by paragraph 77 in the NPPF. The supply is presently stated to be 3.69 years.

Paragraph 11 of the NPPF describes how the presumption in favour of sustainable development should apply to plans and decisions. For decision-taking this means,

- approving development proposals that accord with an up-to-date development plan without delay (paragraph 11(c)), or
- Paragraph 11(d) states that where the policies which are most important for determining the application are out-of-date (footnote 8 to paragraph 11 clarifies that this applies where the planning authority cannot demonstrate a five year supply), granting permission unless policies that protect assets of particular importance (including heritage assets) in the Framework provide a clear reason for refusing the development proposed or *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.

The provisions of paragraph 11(d) of the NPPF are often termed the “tilted balance” as they tilt the planning balance in favour of granting planning permission, even where there are adverse impacts, unless these would *‘significantly and demonstrably outweigh the benefits’*.

In summary, the principle of development in this location is assessed as being consistent with the relevant policies of the Development Plan. Further consideration to the application of the ‘tilted balance’ will be given in the Planning Balance section of this report.

Affordable Housing Need

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

The most recent housing and economic needs assessment, the Leicester and Leicestershire HENA (2022) suggests a need for 536 additional affordable properties (social rent and ownership) to be provided per annum in Blaby until 2039. This is an increase from 399 affordable properties per annum recommended in the Blaby Housing Needs Survey finalised in early 2021 and highlights a significant increase in need within a short period. The HENA also highlights the greater need for homes available for social rent. The need in the District is high resulting from a high number of owner occupied homes and a relatively small number of affordable social rented homes.

The Council's Housing Strategy Team have provided comments on the application and are supportive of the proposals given the high numbers awaiting housing on the Council's housing register and long wait times. Their response identifies that there are 55 households on the housing register with a recognised connection to the Parish of Glenfield; this represents almost 8% of the total register. Of these households, 17 are experiencing significant to severe housing need. The majority of these households have a need for either 2 or 3 bedroom properties. Data provided by the Housing Strategy Team also shows that within Glenfield, the average bids per 2 bedroom property is approximately 101, meaning that given limited availability of housing, between 90 and 100 applicants were unsuccessful. Problems of accessing housing are compounded by the lack of availability and the increasing rent levels of the private rented sector.

The current proposals, whilst small scale, would make an important and positive contribution toward meeting affordable housing requirements in both Glenfield, and more widely in the district. Accordingly, the proposals support the aims of the affordable housing and housing mix policies in the Blaby District Local Plan Core Strategy and Glenfield Neighbourhood Plan.

As the applicant and prospective purchaser of the site is East Midlands Homes, a Registered Provider with responsibility for providing affordable homes, it is not deemed necessary to require the applicants to enter into a planning obligation to secure the two properties as affordable houses. The provision will also be a condition of sale.

Impact on heritage assets and design

The application site is located within the designated Glenfield Conservation Area and near to non-designated heritage assets identified in the Glenfield Neighbourhood Plan (GNP).

In terms of the statutory duty placed on local planning authorities, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, with respect to any buildings or land in a conservation area, local planning authorities pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Policy CS20 of the Blaby Local Plan (Core Strategy) DPD 2013 requires the Council to consider *'proposals for development on, in, or adjacent to historic sites, areas and buildings against the need to ensure the protection and enhancement of the heritage asset and its setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.'*

This is reinforced by policy DM12 of the Blaby District Local Plan (Delivery) DPD 2019, which requires 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.'* In respect of non-designated heritage assets a balanced consideration will be applied to proposals which may impact non-designated heritage assets.

Policy DM12 reflects the emphasis set out in paragraphs 205 to 209 of the NPPF in respect of considering potential impacts. Paragraph 205 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and any harm should require clear and convincing justification (paragraph 206).

The application has been supported by a Heritage Statement undertaken by RPS. The statement notes that the site is situated within the immediate setting of two non-designated heritage assets, Glenfield Methodist Church and 1-2 The Balk. These buildings date from 19th century and their significance is largely derived from their position as prominent landmarks on the brow of the hill on Station Road.

The application site is also specifically referenced in the Glenfield Conservation Area character appraisal (June 2014). This appraisal comments, *"there are also several large open car parking areas, such as between no. 7 Station Road and The Balk, to the side of the Nag's Head public house and alongside the Forge Inn, which because of their large expanses of tarmac and boundary treatments generally detract from the street scene."*

In respect of archaeological assets, given the likelihood of previous ground disturbance, the potential for archaeological deposits to have survived is very limited and accordingly the Council's archaeological advisors at Leicestershire County Council do not require any archaeological investigation of the site.

The proposed development comprises 2 semi-detached dwellings which are to be positioned towards the rear (east) of the site with garden to the front. The Historic Buildings Officer did query whether the properties could be sited further forward on the site and so more effectively 'infill' the gap in the street scene, however, residential amenity constraints have precluded this. Nonetheless, the proposed siting of the dwellings and lower level of the application site allows for the attractive and prominent views of the side elevation of the Methodist Church and the front gable of 1-2 The Balk to be maintained. No harmful impacts upon the setting of these non-designated heritage assets is therefore considered to result from the development. Similarly, The Nag's Head public house is positioned in a prominent position at the brow of the hill on the western side of Station Road. The proposed development will not interfere with views of this non-designated heritage asset.

The design of the dwellings is simple, reflecting the form, scale and features of the dwellings opposite the site on Station Road (also within the Conservation Area). Materials are indicated to be red brick and tile which are appropriate to the character of the surroundings and precise details can be secured through the imposition of a materials condition, as recommended. The proposals have been amended to remove insensitive use of close boarded fencing along the top of the retaining bank adjacent to The Balk. The scheme now proposes the retention of the existing railings with privacy and separation to be provided by landscaping, mirroring the hedgerows along the front gardens of The Balk properties. New landscaping to the front of the site will also help to improve the current appearance of the site by softening and greening the existing hard features of the site.

In conclusion, it is considered that the proposed development would have a positive, or at worst, a neutral effect on the character and appearance of the Conservation Area. In resulting in 'no harm', the statutory requirement to preserve or enhance as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is satisfied.

No other harmful impacts on non-designated assets have been identified and the proposals are therefore considered to comply with development plan policies CS20, DM12 and ENV5 and the requirements of NPPF section 16 (Conservation and enhancing the historic environment). The proposed design of the proposals also accords with policies CS2, DM1 and H5. The application of policies within the Framework that seek to protect assets of particular importance (in this case heritage assets), do not provide a clear reason for refusing the development. Accordingly, the "tilted balance" in the presumption in favour of sustainable development is considered to apply, as set out in paragraph 11(d)(ii) of the NPPF

Loss of Car Parking

The application site is presently owned by Blaby District Council and comprises a non-payable surface car park containing 24 spaces, including 2 disabled spaces. The car park is not identified as a community facility in the Blaby Local Plan (Core Strategy) or (Delivery) DPDs. Whilst the Glenfield Neighbourhood Plan (GNP) contains policy CF1 which identifies community facilities and amenities, the Station Road car park is not included within this list. Notwithstanding this, it is recognised that the car park plays a role in supporting businesses in the area given its proximity to the Methodist Church (which has no dedicated off-street car parking provision) and commercial premises and a significant number of representations have been received raising this matter.

Policy T2 Car Parking in the GNP states a development proposal resulting in the loss of off-street parking would only be acceptable where: (a) it can be clearly demonstrated there is no longer any potential for the continued use of the land for car parking, and that the loss will not aggravate an existing shortfall of spaces in the vicinity; (b) adequate convenient replacement car parking spaces will be provided elsewhere in the vicinity.

In respect of criterion (a), Blaby District Council is the owner and operator of the car park and took the decision at the Full Council meeting of 27th July 2021 to dispose of the car park by selling the site to EMH for £1 and thereby facilitating the delivery of two affordable homes. The decision to dispose of the car park also forms part of the Council's Car Parking Strategy 2022-2027. It is noted within the Full Council report that the retention of the car park for conversion to pay and display use had been discounted on the basis that the revenue costs associated with the enforcement and maintenance of the site would exceed the income. It is also reported that the car park had twice previously been offered to the Parish Council but declined. A further offer from an interested party for £1 was also rejected (no details are given of whether this included continued car park use) as this did not represent best value in comparison to the offer by EMH. In light of the apparent lack of an alternative operator of the car park and decisions taken by Blaby District Council, it is considered there is no prospect of the land continuing to be used as a car park and that the first part of criterion (a) of the policy is satisfied.

In respect of the second element of criterion (a) of policy T2, the applicant has submitted a Highways Technical Note by HSP (June 2023, updated August 2024) and has demonstrated there the loss would not significantly aggravate existing parking shortfalls. Alternative parking provision includes Stamford Street car park, approximately 300m from the application site, which is in the process of being transferred from Blaby District Council to a new owner for continued use as a car park. This has been assessed as having sufficient capacity at most times to deal with displacement parking. Additional capacity is also available at the Morrisons store car park nearby. Whilst this is a privately owned car park with parking restrictions enforced, the limits allow free parking for a maximum of 2 hours (with no requirement to make a purchase in store). Given the short term nature of much of the parking as evidenced by the parking accumulation assessment incorporated within the Highways Technical Note, the Morrisons car park limitations could assist in providing further capacity in addition to Stamford Street car park in locations that would also serve the requirements of visiting the district centre.

Further comments are awaited from the Local Highway Authority and Members of the Planning Committee will be updated on these comments at the meeting.

Overall, the development would not aggravate any existing shortfall of spaces, given the alternative parking locations in the vicinity of the site. Criterion (b) of Policy T2 is also therefore considered to be satisfied. In these circumstances it would not be reasonable or proportionate to require the applicants to provide new replacement car parking spaces elsewhere.

As noted above, it is acknowledged that the car park provides a convenient place to park for the Church and its community activities, for the nearby children's nurseries and for residents on Station Road who do not have the benefit of off-street car parking (though it is noted from representations that the Council is not now issuing residents' permits and thus residents are subject to the same time restrictions as other car park users). The loss of the car park in terms of allowing access to community uses is a negative aspect to the proposal. However, considering alternative parking available within walking distance, this adverse effect is not considered to attract significant weight. Account has also been taken of access by those with limited mobility and the loss of two disabled car parking spaces in particular is not welcomed. It is nonetheless noted from representations that Blue Badge Holders do have the option of stopping on double yellow lines for up to three hours provided it is safe to do so. Although access would be less convenient, the development would not prevent people from visiting the Church or other local amenities.

The LHA has also pointed out that limiting options for car parking in the centre of Glenfield may have benefits by promoting the use of sustainable transport such as buses, walking and cycling, particularly if this is more appealing than seeking an on-street car parking space.

In conclusion, though the proposal would impact community access, most notably on users of the Methodist Church, this needs to be balanced by the fact that the applicant has been able to demonstrate that the loss of the car park is compliant with the

requirements of Policy T2 and that no conflict is identified with other policies in the Development Plan.

The impact on the highway

The application site is located off Station Road, which is an adopted, 'C' classified road subject to a 30mph speed limit. Double yellow lines are present on both sides of the carriageway on the publicly maintained section of Station Road from the A50 roundabout to the roundabout at The Square. The implications of the loss of the public car park and displaced parking is considered separately above in this report.

The Local Highway Authority (LHA) has considered the proposals and confirms that the access provides sufficient visibility splays (31m x 2.4m to the south and 34m x 2.4m to the north) for the traffic speeds recorded during the speed survey undertaken in September 2022. The access width has been narrowed to provide a better geometry with Station Road and is considered suitable for serving two dwellings. Pedestrian visibility splays of 2m x 2m are indicated on both side of the access.

In terms of trip generation, it is accepted by the LHA that the proposed development will result in a decrease in the level of trips that the access will be subject to and thus the proposed use does not present any concerns in respect of the associated level of traffic. Furthermore, the recorded personal injury collisions (PICs) on Station Road in the previous five does not indicate any pre-existing safety concerns that could be exacerbated by the development.

The site layout indicates two off-road car parking spaces for each house plus scope for provision of cycle parking within the garden area. The applicants have also demonstrated to the LHA's satisfaction that vehicles will have the ability to turn within the site and exit in a forward gear.

Concerns had been raised by the LHA to the originally submitted scheme which entailed the removal of the retaining bank adjacent to The Balk. There was uncertainty about the impact that this would have on the structural integrity of The Balk and the potential requirement for engineering operations beyond the site boundaries. The proposed site layout has now been amended, moving the proposed dwellings away from The Balk such that the development will not be required to cut into the retaining bank, except for a minimal area in the vicinity of the parking spaces serving plot 2. The difference in land levels between The Balk and the site is less exaggerated in this location and methods of construction in this area could be reasonably dealt with by condition.

The LHA has advised that in its view the impacts on highway safety would not be unacceptable and, when considered cumulatively with other developments, the impacts on the road network would not be severe. Conditions are recommended regarding implementation of the access arrangements, parking and turning facilities parking provision being implemented, surfacing, drainage and cycle storage, all of which can be reasonably imposed. Overall, the proposal would accord with Policy DM8 of the Blaby District Local Plan Delivery DPD.

The impact on residential amenities

Existing residents

Policy DM1 of the Local Plan Delivery DPD and policy H5 of the GNP seek to ensure that development proposals have a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

The application site is particularly constrained with existing housing fronting the road alongside the site (7 Station Road) as well as facing onto the site (properties on The Balk and the 2no. first floor flats above 5 Station Road). Care therefore needs to be taken in positioning the proposed dwellings in such a way as to limit overbearing impacts, overlooking, loss of light and/or outlook. The proposed dwellings have been sited towards the rear of the site where they will not obstruct the windows on the first floor flats above 5 Station Road. Given their location to the north east of the flats, it is not considered that any loss of light or increased overshadowing would be so significant that a harmful impact upon residential amenities could be demonstrated.

Adjoining the southern boundary of the site, 7 Station Road is a two-storey dwelling with principal windows facing Station Road. It is already enclosed to a significant degree by the two storey bulk of 5 Station Road, which projects forward of 7 Station Road by approximately 8m. The proposed dwellings are therefore positioned broadly in line with this neighbour to minimise any overbearing or enclosing effects. The proposed dwellings, however, do still project forward of the façade of 7 Station Road and will breach the notional 45 degree line (used to assess overshadowing and loss of light) by approximately 1m when measured from no.7s principal windows.

The applicant has been asked to consider reducing the depth of the properties, however, this has not been possible due to the need for the properties to meet the size standards required of affordable housing. Moving the dwellings further away would also mean the development encroaching into the retaining bank area. However, the roof design has been changed from a gable to a hipped roof design to minimise the impact on 7 Station Road. Given the orientation and revised design, the effects of the development on the residential amenities of 7 Station Road are not considered to be harmful to the degree that refusal of the proposals on this basis could be justified.

A separation distance of circa 16m will be retained between the façade of the properties on The Balk and the side elevation of Plot 2. Taking into account the lower levels of the site, hipped roof design of the proposed houses and fact that only bathroom/toilet windows are proposed to this side of Plot 2, the development is not considered to have a detrimental impacts on the amenities of the properties on The Balk. The properties to the rear on The Avenue are approximately 26m from the boundary of the site and thus no harmful effects on amenity are anticipated for these neighbours.

In conclusion, whilst there may be some impacts on 7 Station Road, these are not considered unacceptably harmful and the proposals are in compliance with the relevant policies of the Development Plan in terms of their impact on neighbouring dwellings.

Future residents

In terms of their internal size and arrangement, the proposed dwellings have been deemed to be acceptable for a 2 bed, 4 person house by the Council's Housing Strategy Team and meet the requirements of EMH. The dwellings themselves are therefore considered to provide satisfactory living conditions.

The retaining bank adjacent to the eastern boundary will compromise the rear outlook of the properties to the Bank to a degree given the height of this bank (approximately 2m) and its proximity to rear windows. Similarly, it is recognised that the garden areas, being located to the front of the dwellings, will be overlooked at close proximity by 5 Station Road, 7 Station Road and by passing members of the public using Station Road and The Balk (public byway V90).

Over time the proposed landscaping at the top of The Balk and to the Station Road frontage will significantly improve screening and provide greater levels of privacy. There will continue to be overlooking, particularly of Plot 1 from the flats at 5 Station Road and this is difficult to address given the constraints presented by the site and how it relates to adjoining buildings. This is balanced, however, by the fact that the gardens will still provide a good sized area of amenity space suitable for the size of the property and appropriate for normal domestic activities. Overall, it is deemed that the garden areas whilst enjoying lower levels of privacy than might be ideal, would serve their essential function and are considered acceptable.

In summary, the proposed development is considered to have a satisfactory relationship with adjoining properties and would not be significantly detrimental to the amenities of existing residents and future occupiers of the development. In these respects, the proposal is compliant with policies DM1 and H5. To ensure that this remains the case, it is considered appropriate to impose a condition limiting insertion of new windows and requiring the proposed windows in the side elevations to be obscure glazed and of a top hung opening design only and to remove permitted development rights.

Other matters

The site is located in a 'swift alert' zone and ecological enhancements are sought by condition in the form swift boxes to help protect this priority species. In respect of climate change the proposed dwellings have been designed to incorporate photovoltaic arrays and air source heat pumps in order to reduce energy consumption. These elements of the scheme are compliant with the aims of policies CC2 and CS21 which states that development which mitigates and adapts to climate change will be supported.

Issues relating to land stability have been addressed by amendments to the site layout, thereby removing the need to significantly alter the retaining bank within the site. A ground contamination condition requiring submission of a remediation strategy, validation report and means of reporting any unidentified contamination is recommended to address the risks presented in the Phase II Ground Investigation report submitted with the application.

The development site is located in Flood Zone 1 and as such is not in an area which is considered to be at high risk of flooding and would not increase flood risk elsewhere. A Drainage Strategy and Sustainability report has been submitted with the application and indicates that the development would connect to the existing foul and surface water public sewers within Station Road. Severn Trent Water has been consulted but has not provided any response to the application. Given the scale of the proposals and the fact that separate consent will be required from Severn Trent Water to connect to the existing drainage infrastructure, it is considered acceptable to condition drainage methods to be implemented in accordance with the submitted details.

The properties are provided with a bin storage area and residents will be required to present their bins at the kerbside on collection day; a space is dedicated within the site for this. Carry distances between bin storage areas and the collection point comply with the most recent Building Regulations guidance which states that this distance should not exceed 25m.

Planning Balance and Conclusion

The application site is located within the settlement boundaries of Glenfield and identified Principal Urban Area (PUA) where the Council's spatial strategy seeks to focus most new development. The site is sustainably located and accessible to key services and facilities, including public transport. The proposal is considered to accord with the spatial strategy and housing policies (Core Strategy Policies CS1 and CS5) of the Development Plan. The delivery of two additional dwellings to help meet the current shortfall in PUA delivery is a positive factor of the development but given the modest scale of the proposals this should be given moderate weight in the planning balance.

The development would deliver two affordable dwellings which would address need within both the District and more locally in Glenfield for this size of property, as advised by the Council's Housing Strategy Team. The provision of appropriate housing to meet the needs of the District's residents is compliant with development plan policies. Though only two dwellings are to be provided, given the acute need in the District this matter should attract significant weight in the planning balance.

Having regard to the statutory duty set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to preserve or enhance Conservation Areas and the great weight that should be given to the asset's conservation (paragraph 205 of the NPPF), the positive or at worst neutral impact of the sympathetic development of this site, which is considered to detract from the character and appearance of the designated Glenfield Conservation Area should be attributed significant weight in the planning balance.

The loss of the use of the public car park has been demonstrated to be compliant with policy T2 as there is very little likelihood for continued use of the land for car parking and the loss of car parking spaces will not aggravate an existing shortfall of spaces, with alternative parking facilities in the vicinity. Nonetheless, there are some negative impacts associated with the loss of disabled parking and access to community facilities, notably the Methodist Church which does not have any off-street car parking

provision. Overall this weighs negatively in the planning balance and attracts modest weight.

Furthermore, the development can be carried out without significantly detrimental impacts the residential amenities of existing residents and future occupiers of the site. Suitable access and parking can be achieved on the site and the Local Highway Authority has not raised objections to the revised proposals in respect of highway safety. Other technical matters have also been addressed within the application. These are matters that have a neutral effect in the planning balance.

As highlighted earlier in this report, Blaby District Council cannot currently demonstrate a five-year housing land supply. Having particular regard to the impact of the development upon heritage assets, the policies of the NPPF do not provide a clear reason for refusing the development and thus the 'tilted balance' as set out in paragraph 11(d)(ii) of the NPPF applies. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF. The development is compliant with the policies of the development plan and though the development does have some modest adverse effects as outlined above, these do not significantly outweigh the benefits of providing additional housing within the PUA, meeting affordable housing needs and improving the appearance of a site which presently detracts from the Conservation Area.

In conclusion it is considered that the proposed development accords with the relevant policies of the development plan. There are no other material considerations that would indicate that the plan policies should not be followed and no significance adverse impacts of applying the presumption in favour of sustainable development are noted. Approval is therefore recommended, subject to conditions as set out at the beginning of the report.

24/0001/OUT

**Registered Date
2 January 2024**

**Davidsons Developments Limited,
Leicester Diocesan Board**

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

Land East of Willoughby Road, Countesthorpe

**Report Author: Stephen Dukes,
Development Services Team Leader
Contact Details: Council Offices. Tel: 0116 2727520**

RECOMMENDATION:

THAT APPLICATION 24/0001/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
- On-site open space and future maintenance
- Off-site sports facilities contribution
- Travel Packs
- Bus Passes
- Travel Plan monitoring contribution
- Off-site Biodiversity Net Gain provision
- S106 monitoring contributions – District and County Councils

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

1. 2-year time limit for submission of reserved matters. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the latter).
2. Reserved Matters details to be submitted.
3. Development to be in accordance with approved plans
4. No approval to illustrative masterplan.
5. Maximum number of dwellings not to exceed 205
6. Dwellings to not exceed two and a half storeys in height
7. Landscaping scheme to be submitted, agreed and adhered to.
8. Landscaping scheme to be implemented.

9. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
10. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes
11. Details of all external materials to be agreed.
12. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
13. Surface water drainage scheme to be submitted and agreed and implemented
14. Foul water drainage scheme to be submitted and agreed and implemented
15. Details of management of surface water during construction to be submitted and agreed and adhered to
16. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
17. Infiltration testing to be carried out
18. Construction Management Plan to be submitted and agreed and adhered to
19. Access arrangements to be implemented in full (both vehicular access to Willoughby Road and pedestrian access to Beechings Close).
20. Off-site footway and cycleway to be implemented in full.
21. Winchester Road/ Willoughby Road/ Cosby Road junction improvement works to be implemented in full.
22. Travel Plan actions and measures to be implemented in full.
23. Primary road through the site to be built to the eastern site boundary
24. Construction Environmental Management Plan for Biodiversity to be submitted and agreed and adhered to.
25. 30 year Landscape and Ecological Management Plan (LEMP) to be submitted and agreed and adhered to (securing on-site Biodiversity Net Gain).
26. No works to trees until further bat surveys carried out and a bat mitigation scheme submitted and agreed and thereafter adhered to.
27. Updated badger survey to be submitted and approved and any mitigation measures adhered to.
28. Scheme for the provision of bat and bird boxes within dwellings to be submitted and agreed and adhered to.
29. Tree Protection Plan including tree protection measures for hedgerows and trees during construction to be submitted, agreed and adhered to.
30. External lighting scheme for public areas to be submitted and agreed and adhered to.
31. Waste collection strategy to be submitted and agreed and adhered to.
32. Programme of archaeological investigation to be undertaken, informed by a written scheme of investigation, to be submitted and agreed.
33. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
34. Reporting of unexpected contamination

NOTES TO COMMITTEE

Relevant Planning Policies

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS5 – Housing distribution
Policy CS7 – Affordable housing
Policy CS8 – Mix of housing
Policy CS10 – Transport infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS12 – Planning obligations and developer contributions
Policy CS14 – Green infrastructure
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)

National Planning Policy Framework (NPPF) 2024 (consultation)

Planning Practice Guidance (PPG)

Other Supporting Documents

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

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)

Draft Developer Contributions SPD (2024)

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 Market Area Housing and Economic Land Availability Assessment (SHELAA) 2019

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

Consultation Summary

Active Travel England

February 2024 – Deferral – Active Travel England is not currently in a position to support this application and requests further assessment, evidence, revisions and or dialogue. Makes recommendations in relation to the following:

- Revision of Mode Share Targets in the Travel Plan to be more ambitious
- Details regarding the provision of the pedestrian/cycle link that will circulate around the site and the access to Beechings Close.
- A suitable crossing at the main access point.
- Details of how the proposed development will connect with other current development sites e.g. Gillam Butts site.
- Details of materials for active travel facilities and connections with public transport including wayfinding.
- Identification of off site locations where interventions are possible e.g. links to schools.
- Precise details of number and types of cycle parking.

June 2024 – Active Travel England recommends approval of the application subject to the agreement and implementation of planning conditions and/or obligations. The proposed active travel infrastructure improvements are welcomed.

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

Blaby District Council, Health and Leisure – Requests a total developer contribution of £320,898 to be used for new or improved 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 Councils 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 flooded.

If this development was to be approved there could be up to approx. 410 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, full comments are appended to this report.

Environment Agency – No objections. The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site.

Leicestershire County Council, Archaeology –

February 2024 - No objection. Consider that the archaeological interest of the site could be adequately safeguarded through staged archaeological investigation and recording secured by condition.

March 2024 – Recommends a condition requiring the completion of a programme of archaeological work.

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

Libraries - £6,190.53

Primary Education - £385,476.00

Secondary Education - £0

SEND Education - £115,719.29

Early Years Education - £319,761.52

Waste - £4,893.35

Monitoring Fees

Leicestershire County Council, Ecology –

February 2024 – Comments that the Preliminary Ecological Appraisal by RammSanderson is acceptable and no significant ecological constraints were identified. Recommends a full habitat assessment, bat surveys of the trees, a UKHab survey and baseline BNG metric to demonstrate how net gain will be achieved. As the site is all grassland, the survey shouldn't take place until May at the earliest.

June 2024 – Comments that a Biodiversity Net Gain of 10.52% in area habitats and 10.88% in hedgerow habitats has been demonstrated, with the inclusion of an off-site area which will be converted to wildflower grassland. Comments that the habitat creation/enhancement proposals and their likely achievable conditions are appropriate. The off-set area to the south of the application site will need to be legally secured. Conditions are recommended requiring a Construction Environment Management Plan for Biodiversity, a Landscape and Ecological Management Plan, further bat surveys before any tree removal and no development to take place until an updated badger survey has been submitted and approved.

Leicestershire County Council, Forestry – Comments that the site is ex-agricultural land and therefore any trees and hedges present are on the site boundaries and within the central hedgerow which splits the site. Based on the masterplan the majority of existing trees and hedges would be appropriately retained and incorporated into the development.

Leicestershire County Council, Highways

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

- Site access on Willoughby Road
- Pedestrian/cycle access onto Beechings Close
- Highway Safety
- Trip Rates
- Trip distribution and assignment
- Junction Capacity Assessments
- Off-Site Implications
- Internal Layout
- Walking, cycling and wheeling – including designing cycle infrastructure between the old railway bridge and the playing fields accesses.
- Public Transport
- Travel Plan

The LHA requested the following additional information:

- The submission of drawing reference 20171-RLL-22-XX-DR-D-5001 PO2 which is said to contain amendments in response to the Stage 1 Road Safety Audit (RSA1);
- A drawing which can be scaled and / or which contains sufficient critical dimensions relating to the proposed widening of Willoughby Road and ghost right turn lanes;

- Adjustments to the tapers for the hatch markings associated with the proposed off-site works;
- A plan which more clearly demonstrates the non-pedestrian refuge to the south of the scheme;
- Amendments to the tracking drawings;
- A pedestrian crossing at the site access, including tactile paving;
- Clarification as to whether the Beechings Close access would be used by cycles as well as pedestrians;
- Further details on the proposed Beechings Close access to ensure that it would be designed in accordance with either Table DG9 (pedestrian only) or DG10 (pedestrian and cycle) of Part 3 of the Leicestershire Highway Design Guide (LHDG);
- Additional Personal Injury Collision (PIC) data for the latest five year period;
- A re-considered trip assignment;
- A sensitivity test for the Winchester Road / Willow Road / Welford Road / Hospital Lane double mini-roundabout junction which accounts for nearby application 23/1071/OUT (Land Adjacent to Leicester Road and Foston Road);
- Additional details regarding the proposed improvement works to the Willoughby Road /Cosby Road / Winchester Road staggered junctions, including speed survey data;
- A scheme of cycle infrastructure works along Willoughby Road between the old railway bridge and playing fields access to the south; and
- Amendments to the submitted travel plan.

July 2024 – Further information required.

August 2024 – No objection. 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.

The following specific comments are made:

- The dedicated transition for cyclists from the footway/cycleway to carriageway on Willoughby Road is welcomed and is acceptable.
- Sufficient visibility at the access has been demonstrated.
- Amended 2028 with development flows, pm peak flow diagram has been provided which corrects a previous error.
- Comments on junction modelling and mitigation options for the following junctions:
 - o Lutterworth Road (A426)/ Countesthorpe Road
 - o Winchester Road/ Willoughby Road/ Cosby Road
 - o Winchester Road/ Western Drive/ Welford Road/ Hospital Lane
- Conditions are recommended requiring a construction traffic management plan, the access arrangements to be implemented, the offsite footway/cycleway to be implemented, the Winchester Road/ Cosby Road/ Willoughby Road junction improvement works to be implemented in full, and the Travel Plan to be implemented.
- Contributions are requested for Travel Packs, bus passes, and a Travel Plan monitoring fee.

Leicestershire County Council, Lead Local Flood Authority - No objections. Notes that the 7.93ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a medium to high risk of surface water flooding around an existing watercourse. To investigate this risk the applicant has submitted surface water flooding modelling, the conclusion of which is that surface water flood risk is identified to be overestimated in some areas and underestimated in others.

The applicant has used the modelling to inform their masterplan by proposing to raise finished floor levels 600mm above the existing ground level in all areas and construct a conveyance ditch to intercept overland flows. The applicant has identified the site drains in two sub-catchments each toward an existing ordinary watercourse that transects the site. The proposals seek to discharge at a total of 34.3 l/s to the on-site watercourse.

The LLFA comments that due to the existing surface water flood risk directly downstream, it would expect details submitted to support reserved matters applications to incorporate additional source control SuDS (such as pervious paving, swales, etc.) to promote additional infiltration and rainwater reuse in order to minimise any increase in surface water run-off volume from the site.

The LLFA advises that the proposals are acceptable and 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 Police - Requests a contribution of £25,790 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 £158,752.00 to provide the required GP facilities to meet the population increase from the development.

Sport England – No objection. Comments that the application site lies adjacent to two playing fields – Blaby and Whetstone FC and Countesthorpe Cricket Club. The England and Wales Cricket Board (ECB) has confirmed that there would be no prejudicial impact for cricket from the proposed development. Sport England comments that there would be no prejudicial impact on the use of the adjoining playing fields.

Third Party Representations

623 letters of representation were received, 612 of which objected to the application, 6 were neutral and 4 supported the application.

The comments received are summarised below:

Supporting

- Village is currently unaffordable, new homes will help and come with support for first time buyers.

- Development will enable people to stay in the village
- No objection as long as the appropriate infrastructure is developed.

Objecting

Need for housing/ development

- Over development of village
- Village cannot accommodate new houses
- Other villages could be developed instead.
- Derelict land should be built on rather than green field land.
- More suitable locations around Countesthorpe where new homes can be built.
- Local Plan indicates Countesthorpe does not need more houses.
- Non-Principal Urban Area target for new houses has been exceeded.
- More houses should be built in Leicester where there are derelict and empty buildings.
- No proof that more housing is needed in the area.

Flooding

- Concerns about flooding – during recent flooding most routes out of the village were blocked.
- Houses on Mennecy Close flooded in Jan 2024.
- More impermeable surfaces likely to increase flood risk.
- Flood risk assessment only looks at chance of flooding on the site itself and doesn't give consideration to the potential increase around the site.
- Impact of flooding on properties in Mennecy Close.

Highways/traffic

- Concern about pedestrian access to Beechings Close from local residents
- Concerns about traffic speeds
- Concerns about traffic flows.
- Suggestion of alternative access to site via Glebe Drive.
- Willoughby Road is a National Cycle Route – danger for cyclists from increased traffic.
- Proposal for two mini-roundabouts at Cosby Road/ Willoughby Road/ Winchester Road junction would be unsafe.
- Additional traffic on Station Road.
- Traffic impacts from the three proposed developments in Countesthorpe have not been considered cumulatively.
- Bus services are poor. No links to park and ride.
- Issues with traffic at school times.
- Willoughby Road/ Cosby Road junction needs improvements but two roundabouts may not be the right solution.
- Not many people cycling – not viable without improvements in infrastructure.
- Buses only every 30 minutes and takes 45 minutes to get into Leicester.
- No proposals for new crossing points.
- Right turn lane not needed into site on Willoughby Road.
- Removal of grass verges on Willoughby Road.
- Road narrows in position of old railway bridge.

- Proposals based on an ideal world where people will walk and cycle but majority of residents will use a car to access amenities.

Facilities/ infrastructure

- GP surgery is full and difficult to get appointments
- Primary school is already a 3 form entry with limited ability to expand.
- Lack of leisure facilities
- Water pressure issues.
- Water pressure is already poor.
- Nothing in Countesthorpe for young people.
- No community resources included.
- Site is a long way from shops in the village.
- Facilities are not within 10 or 20 minute walk.
- Insufficient infrastructure and shops – one chemist, no post office.
- Double mini roundabout will create a rat run through Linden and Westfield Avenue.
- Foul drains do not have capacity – sewage has flowed into properties on Willoughby Road. Pump will be needed due to land levels.
- Children currently have to be driven to school in Blaby.
- Local cattery/ kennels have no space.
- Countesthorpe Academy not fit for purpose – objections relating to heritage impact prevented a first class new building.
- Telephone exchange at capacity.
- No NHS dentists

Impact on countryside/ landscape

- Loss of village identity
- Development will spoil views.
- Potential of garden village to the south of Countesthorpe in addition to this.
- Farmland is important in sustaining villages
- Countesthorpe becoming like a town in size but not in terms of facilities
- Proposed garden village seems a better option than tagging development onto an existing village.
- Site is outside settlement boundary and classed as countryside
- Layout and density not in keeping with the area.

Ecology

- Impact on wildlife – badgers, foxes, red kites, buzzards, newts, hedgehogs mentioned
- Impact on tranquillity of allotments.

Other

- Suggestions in relation to renewable energy measures to be incorporated
- Loss of privacy to residents on Beechings Close.
- Previous application on site was refused and rejected on appeal.
- Inaccurate reports which refer to facilities which have closed or do not exist.
- As of Jan 2024, Countesthorpe has provided 579 new homes which is 60 over its target.
- Use of census data from 2011 to determine number of car journeys is unrealistic.

- Would be better to plant trees on the site.
- Countesthorpe has contributed significantly in the past to Blaby's housing supply.
- Concern about the security of the allotments.
- Total of 420 houses proposed together with other developments.
- Need more than 25% affordable housing to allow young people to stay in the village.
- Double mini roundabout will be a hazard to all but the most competent cyclists.
- Countesthorpe will merge into Blaby
- There is a line of trees protected by a Tree Preservation Order which could be affected.
- Impact on health from more traffic.
- Developers should not be permitted to pre-empt a new Local Plan.
- Noise and anti-social behaviour

Relevant Planning History

The following two applications related to Land off Willoughby Road, including the western part of the current application site, and the more recently built development of Lord Close:

09/0780/1/OX - Proposed residential development (maximum 120 dwellings) associated landscaping and infrastructure with access from Willoughby Road (Outline) – Refused on 23 March 2010.

10/0331/1/OX – Proposed residential development (maximum 120 dwellings) associated landscaping and infrastructure with access from Willoughby Road (Outline) (Re-submission) – Not determined. Appeal dismissed

The following two applications related to the Lord Close development which falls to the northwest of the current application site:

13/0491/1/PX – Erection of 10 detached dwellings with associated parking, access and infrastructure – Approved 4 February 2014.

15/1056/VAR - Variation of conditions 2, 5 & 8 imposed on planning permission 13/0491/1/PX in respect of amended boundary treatments to plots 1, 2 & 3 – Approved 7 October 2015.

EXPLANATORY NOTE

The Site

The application site is located to the southwest of the village of Countesthorpe and extends to approximately 7.87 hectares of agricultural farmland, comprising two fields. The site is bound by existing hedgerows and trees on all sides and contains a central hedgerow and tree boundary running north to south that divides the two fields. The site is generally level with a gentle slope falling away from the Willoughby Road to its south-western corner.

Access to the site is from Willoughby Road where there is currently a field gate in the southwest corner of the site. To the north of the site are the rear gardens of existing properties on Beechings Close, Maurice Drive, Mennecy Close and Waterloo Crescent. To the east of the site are allotments, Countesthorpe Cricket Club and open fields. Willoughby Road Playing Fields and open fields are located to the south of the site, and the recently-built residential development at Lord Close (also developed by Davidsons) is situated directly to the west (also accessed off Willoughby Road).

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 designated as Countryside on the Local Plan Policies Map (2019).

It is located entirely within Flood Zone 1 (at lowest risk of flooding from rivers) and is generally at very low risk of surface water flooding, but with some areas at the centre of the centre (along the field boundary), being at low to high risk of surface water flooding.

There are no designated heritage assets on the site and Countesthorpe Conservation Area is located approximately half a kilometre to the northeast in a straight line distance.

There is a Tree Preservation Order (the Blaby District Council (Willoughby Road, No.2) Tree Preservation Order 2017 which protects 39 individual trees along the northwest boundary with Lord Close.

There is a candidate/ potential Local Wildlife Site on the southern boundary with the playing fields (an ash tree).

Approximately 130 metres to the south of the site is the 250 buffer zone area for the high pressure gas pipeline which runs approximately 380 metres to the south of the site.

The Proposal

The application seeks outline planning permission for residential development comprising of up to 205 dwellings, with all matters reserved apart from the means of access. In terms of the amount of development, it is anticipated that circa 5.03 hectares of the site can be utilised to deliver new housing, with circa 2.83 hectares accommodating open space and surface water attenuation areas, amount to circa 64% and 36% respectively of the site's overall 7.87 ha area. Although the final number of dwellings will be defined as part of a subsequent application for reserved matters consent, it is anticipated that up to 205 dwellings can be accommodated across the site, equating to a density of approximately 26 dwellings per hectare, which the applicant considers is appropriate for this edge of settlement location.

The housing mix will be for determination at reserved matters stage, although the indicative masterplan is based on a mix of 1, 2, 3, 4 and 5 bedroom houses, with 25% of the dwellings being affordable. The proposed dwellinghouses will be mainly two storey in height, with potentially two and a half storeys in the central part of the site, with a mixture of detached, semi-detached and terraced properties.

The vehicular access to the site will be from Willoughby Road, in the approximate vicinity of the existing field access. In addition to this, a pedestrian access is proposed to link to Beechings Close to the north, providing a more direct access on foot to existing services and facilities in the village. This has been possible through the purchase of a section of land which forms part of the curtilage of an existing dwelling.

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
- Masterplan
- Drainage Strategy Plan
- Topographical Survey
- Tree Constraints Plan
- Biodiversity Net Gain Baseline Plans
- Proposed Biodiversity Net Gain Plans
- Open Space Typologies Plan.

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

- Arboricultural Assessment – February 2022
- Biodiversity Metric
- Design and Access Statement – December 2023
- Flood Risk Assessment and Drainage Strategy – December 2023
- Geophysical Survey Report – July 2022
- Heritage Statement – December 2023
- Highways Technical Note – May 2024
- Highways Technical Note – August 2024
- Landscape and Visual Appraisal – November 2023
- Phase 1 Contamination Report – October 2023
- Planning Statement – December 2023
- Preliminary Ecological Appraisal – March 2023
- Transport Statement – December 2023
- Transport Assessment Addendum – January 2024
- Travel Plan – December 2023
- Tree Survey (Updated) – January 2024
- Utilities Assessment – December 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. 24/05/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.

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

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

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

National Planning Policy Framework (NPPF) – Consultation 2024

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

DEVELOPMENT PLAN

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

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

The Council cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application is being considered in terms

of its accordance with NPPF paragraph 11d and other material considerations.

Policy CS1 – Strategy for locating new development

Policy CS1 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 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals, the District Council always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

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

Blaby 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 Planning Obligations and Development Contributions Supplementary Planning Document (2024)

A report is being presented to Full Council on 24th September with a recommendation to adopt a new SPD. This follows a public consultation and will replace the 2010 SPD as there have been a significant number of changes to national planning legislation and guidance. In addition, the Council's evidence, mostly notably on public open space requirements, has also been updated.

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

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

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

Blaby Landscape and Settlement Character Assessment (January 2020)

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

Blaby District Council Open Space Audit (December 2015)

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

Blaby Playing Pitch Strategy 2020

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

Blaby Residential Land Availability Report (March 2023)

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

Joint Strategic Flood Risk Assessment Final Report (October 2014)

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

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

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

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

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

Material Considerations:

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

- The principle of the development and 5 year housing land supply position
- Impact on the countryside and landscape/visual impact
- Affordable housing and housing mix
- Design and layout
- Transport and highway implications
- Flood risk and drainage
- Residential Amenities
- Developer contributions and infrastructure/ facilities
- Open Space, sport and recreation
- Impact on neighbouring sports clubs
- 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 31st 2023 a total of 2,596 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 552 homes per annum to be delivered in the PUA until the end of the plan period (total 3,154). Forecast completions in the PUA to 2029 are around half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.

Outside of the PUA, Core Strategy Policy CS1 states development will be focussed within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', as identified in the Housing Distribution Policy CS5. Outside the non-PUA, development should be focused within and adjoining Blaby and the Larger Central Villages (ie, Enderby, Narborough, Whetstone and Countesthorpe), with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages.

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

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

Policies CS1 and CS5 identify 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 (particularly when also taking into account the outline planning permission for up to 170 dwellings also resolved to be granted in 23/1071/OUT). 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 an area 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. Whilst the application site is over a mile from the village centre by road (where there are a number of shops and other facilities), the proposed pedestrian link to Beechings Close would bring it to within 0.75 miles (1.25km) on foot. The primary school in the village (Greenfield Primary School) is a similar distance away on foot, and the secondary school (Countesthorpe Academy) is approximately 0.33 miles or 0.5km away from the site edge. 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. It is acknowledged that together with the 170 dwellings in 23/1071/OUT, this does add an additional 375 dwellings to Countesthorpe's housing numbers, which together with the 82 already built over the minimum requirement would total 457 dwellings over the minimum requirement of 520 during the Local Plan period. Whilst the 520 dwellings is a minimum requirement, this significant increase does need to be given some weight in the consideration of the application. However, this 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. At a local level, the Blaby Landscape and Settlement Character Assessment identifies the site as being 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 condition of the area is described as follows:

"The landscape is a largely agricultural and with fields enclosed by well-managed hedgerows and woodland strips. The landscape has retained much of its rural character, despite development pressures from surrounding settlements. Mature and shelterbelts often screen the urban edges, although there are areas where intervisibility detracts from perceptions of tranquillity and emits light pollution into the landscape. Some marginal areas of degraded or neglected farmland are falling out of traditional use. Alternative land uses such as horse keeping, playing fields and golf courses have a suburbanising effect on the landscape. The presence of major infrastructure routes has led to fragmentation and compartmentalisation of the area which results in an overall lack of cohesion and continuity. The densely populated

surrounding area introduces urban-fringe issues including litter and fly tipping, which reduce the landscape's visual appeal."

When considering the capacity for change along the settlement edge of Countesthorpe the assessment states that the southern boundary of Countesthorpe is relatively well defined and well-vegetated but comments that some properties extend along Willoughby Road and Peatling Road.

The submitted Landscape and Visual Impact Assessment for the site concludes that in terms of likely landscape effects at the immediate site level, there would be a short-term effect of major to moderate significance that results from the proposed transformation of an open setting of farmland to a housing development, commenting that this level of effect is typical of most proposals that seek the development of open farmland for residential purposes. At the local level, it concludes the landscape impacts would be of moderate to minor significance in the short term, reducing to minor to minimal in the long term, due to the local landform and vegetation cover.

In terms of visual effects, at the immediate boundaries of the site it is considered to have major to moderate adverse short term effects on visual receptors. Beyond the immediate boundaries of the site, the likely visual effects are considered to reduce to moderate, minor and minimal adverse and from a number of locations assessed no change has been recorded where the proposal will in the long-term be substantially screened by a combination of landform and intervening vegetation cover.

It is noted that a previous outline application for 120 dwellings on part of the site (09/0780/1/OX) was refused planning permission, with reasons for refusal including the development resulting in a loss of openness which would be detrimental to the character and appearance of the open countryside. A subsequent outline application for the same number of dwellings (10/0331/1/OX) where there was an appeal against non-determination was dismissed on appeal. The Inspector considered the effect of the development on the character and appearance of the countryside. He considered the nature of existing development in the vicinity, consisting of ribbon development along Willoughby Road and commented that the proposal would clearly extend the built-up area of the village further along Willoughby Road. The Inspector commented that the site sits in a shallow bowl and whilst views from public highways, other than from Willoughby Road across the site frontage, were relatively restricted, the proposal would have an immediate impact on the playing field to the south, the allotments to the east and existing houses to the north and west.

In the Inspector's view, the development in that application would have compromised the rural character and appearance of this area of countryside through the introduction of a housing estate onto an area of open countryside and considered the proposals would therefore have a clear and immediate as well as a long lasting impact on the landscape. The Inspector concluded that the development would be contrary to policies in place at the time the purpose of which were to protect the quality and character of the countryside.

The character of the area on the east side of Willoughby Road has changed somewhat since the previous appeal decision. Lord Close, comprising of ten detached dwellings, has been built on part of the former appeal site, to the immediate north of the current

application site, as have two other small, gated developments of detached properties, Leela Close and Meadow Close. Whilst previously there were only two large, detached properties between the former railway line to the north and the playing fields to the south on the east side of Willoughby Road, there is now a cluster of properties. To the south of the playing fields, there are still four individual detached dwelling on the east side of Willoughby Road with farm buildings to the rear, before the start of the countryside proper heading south. On the west side of Willoughby Road, ribbon development of detached properties stretches down from the former railway line, ending in line with the four individual properties on the east side.

Whilst in some ways, the ribbon development along Willoughby Road which was present at the time of the previous appeal remains the character of the area, this has been eroded somewhat to the north by the development of the three cul de sac developments referred to. The proposal would fill in the gap between these developments and the playing field to the south. It would extend further to the east than the previous appeal proposal. Whilst the southern edge of Countesthorpe did previously follow a fairly consistent line, it is noted that a development at Gillam Butts of 40 dwellings (first granted permission in 2014) protrudes beyond the common edge, although views of this development from public vantage points are limited.

Overall, the proposed development would result in some adverse impacts on the surrounding landscape and on visual receptors but these are considered to be generally localised, and some recent changes to the character of development on this side of Countesthorpe are considered to lessen the impacts acknowledged in the previous appeal.

Affordable housing and housing mix

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

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

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

Policy CS7 seeks to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. It is worth highlighting that the most up to date information on affordable housing need is set out in the 2022 HENA. This shows a marked increase in need for affordable housing and this is a material consideration which should be considered in the planning balance. The June 2022 HENA shows that a total of 539 affordable houses per year (including 341 per year as social and affordable rented and 189 as affordable home ownership) are required to meet the District Council's affordable housing need. It is unlikely that this level of delivery will be viable or deliverable but it highlights the growing need for affordable housing in the district. The proposed development will provide a policy

compliant 25% of the dwellings as affordable homes (52 dwellings) which weighs in favour of the development and will help to address the shortfall in the District.

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

The 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.

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 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 southern edge of Countesthorpe, with established residential development to the north, recent residential development to the west and established ribbon development along Willoughby Road to the west. It is therefore in an urban/rural fringe location with a semi-rural character. The site backs onto the properties on Maurice Drive, Beechings Close, Mennecy Close and Waterloo Crescent, which are generally two storey detached and semi-detached properties. Those on Lord Close to the west are generally larger detached properties, as are those forming the ribbon development along Willoughby Road.

The illustrative masterplan is not for approval at this stage but provides details of how the site could potentially be developed. It shows open space being spread across the

site, but with the majority towards the centre of the site, either side of the central north-south field boundary, and with drainage ponds and children's play equipment to the northern edge of the site. There are also smaller areas of open space proposed along southern site boundary and close to the site entrance. The main access spinal road would curve gently through the site, passing smaller 'village green' and 'oval' areas of open space. Secondary streets branch off on either side, linked to the main spine road which provides clear navigation through the site. On the southern countryside edge, the proposed dwellings would face outwards, behind edge lane/ private drives and an area of open space through which a pedestrian route would run. This would provide the ability to retain the field hedgerow and trees on the southern edge, softening the appearance of the development from the adjacent countryside.

When deducting the areas of the site which will be retained for open space (36% of the site), the total area of the site being developed equates to 5.03 hectares (64% of the site). The density of the proposed development therefore equates to approximately 39 dwellings per hectare, although the exact densities will differ across the site.

Chapter 11 of the NPPF refers to making effective use of land and achieving appropriate densities, whilst also taking into account the desirability of maintaining an area's prevailing character and setting. The applicant considers that 39 dwellings per hectare is appropriate for an edge of settlement location. It is noted, however, that this is much higher than the adjacent Lord Close development (11.2 dwellings per hectare) but this consists of large 4 and 5 bedroom properties. The Maurice Drive/ Beechings Close development to the north has a density of approximately 27.5 dwellings per hectare whilst Mennecy Close and Waterloo Crescent has a density of approximately 31 dwellings per hectare.

The applicant has indicated that the density is reflective of the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) indicating a need for smaller houses, which naturally results in higher densities. However, the proposed development is also of a higher density than other schemes which have been approved recently by this committee on Land off Leicester Road and Foston Road, Countesthorpe (approx. 34 dwellings per hectare) and Land off Croft Road, Cosby (approx. 29.5 dwellings per hectare). It is also noted that the Willoughby Road site was put forward in the District Council's recent call for sites for the New Local Plan with a proposal for 148 dwellings, resulting in density of 30 dwellings per hectare.

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 be of a density which would not be completely reflective of the prevailing character of the area, which would be a factor which weighs negatively in the planning balance. The applicant has been asked to justify the proposed density and further detail or plans are awaited to demonstrate how the development can be satisfactorily accommodated.

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 a single vehicular access off Willoughby Road, a classified C road subject to a 30mph speed limit. National Cycle Network route 6 follows Willoughby Road past the site access. The proposed access would consist of a priority T-junction with a ghost right-turn lane, with a width of 6.75 metres, 8 metre corner radii and 2 metre wide footways on both sides. This would be in accordance with the standards set out in the Leicestershire Highway Design Guide for a major residential access road suitable for up to 1,000 dwellings with no more than 400 from a single point of access.

Whilst the Local Highway Authority (LHA) comments that the access would be over-engineered for the scale of development proposed in this application, the Transport Assessment indicates that this geometry would not prejudice any further development of a wider site and would allow for potential bus access into a larger site. The LHA initially requested additional information and clarification, and in its latest August 2024 response confirmed that the access arrangements were acceptable.

Pedestrian access

The application also proposes to create a pedestrian access onto Beechings Close, an unclassified cul-de-sac subject to a 30mph speed limit. This consists of a 2 metre wide path. The LHA sought clarification on whether the access would also be for cyclists and the applicant has confirmed that due to the width this would be for pedestrians only with a 'cyclists dismount' sign. The LHA is satisfied with the pedestrian access, with the exact alignment and gradient to be confirmed at detailed design stage.

A number of objections have been submitted in relation to the pedestrian access, predominantly from residents of Beechings Close with concerns regarding the impact on house values, passing pedestrians affecting the character of the quiet cul de sac and concerns about crime and anti-social behaviour. Whilst these concerns are noted, it is considered that the pedestrian access would create an opportunity to better link the development to the various facilities in Countesthorpe, including shops and the primary school, thereby encouraging more sustainable travel by future residents of the development, which is considered to outweigh the concerns.

Trip generation and distribution

A Transport Assessment and Travel Plan have been submitted with the application. 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 assumes a mode share for car drivers of 75.4%, as derived from the 2011 Census 'Method of Travel to Work' data. The LHA has multiplied the average person trip rates by 75.4% to ascertain the trip rates for car and vans, which predicts 146 two-way trips in the am peak and 126 two-way trips in the peak. The LHA is content with this approach.

The proposed development's vehicular trips have then been distributed onto the adopted highway network using the 2011 Census 'travel to work' origin and destination data. The LHA acknowledges that travel patterns and movements were influenced by the Covid-19 pandemic during the 2021 census and therefore the 2011 census may provide a more robust dataset where traffic levels have now more or less returned to normal. Both the applicant and LHA have assigned trips to the adopted road network using Google Maps Route finder.

Junction assessments

Based on the traffic distribution, off-site junction assessments for a number of junctions were carried out in the Transport Assessment, taking into account 2022 base flows, and 2027 flows with and without development. In addition, the Transport Assessment Addendum used a 2023 base, with 2028 flows with and without development. The junctions modelled were as follows:

- Site access
- A426 Lutterworth Road/ Countesthorpe Road
- Winchester Road/ Willoughby Road/ Cosby Road
- Winchester Road/ Western Drive/ Welford Road/ Hospital Lane

The LHA notes that application 23/1071/OUT (Land adjacent to Leicester Road and Foston Road) demonstrates that 30 or more trips would be sent through the Winchester Road/ Western Drive/ Welford Road/ Hospital Lane double mini-roundabout junction and requests this application is included as a sensitivity test.

Site Access

The LHA comments that the site access on Willoughby Road is shown to operate within the practical limit of capacity in all scenarios.

A426 Lutterworth Road/ Countesthorpe Road

The LHA initially commented that that there would be a material deterioration in the performance of the junction in both the AM and PM peak hours in the 2028 scenario with development when compared to without development, and suggested off-site improvements to mitigate the impact of the development traffic.

Two mitigation options were considered by the applicant. Option 1 involved a left turn bypass lane and Option 2 involved creating separate slip lanes for vehicles turning left off the A426 in both directions. Option 1 was not shown to improve capacity whilst the Option 2 could not be effectively modelled, meaning the impact on capacity cannot be evidenced, although in theory requiring left turners to give way would allow more gaps for right turners. As an alternative to these two options, the Highways Technical Note indicated that the developers had offered to provide a financial contribution, commensurate to their impact, for a more substantial mitigation scheme, and have shown a signal arrangement for the junction that would mitigate the impact of background traffic growth and the development impact.

However, notwithstanding the above, the LHA has subsequently commented that given the level of development trips that would be routed through this junction, it cannot demonstrate that the development would result in a severe impact and as such it would be unreasonable for the LHA to require that mitigation be implemented, or for the LHA to advise refusal based on the impact on this junction.

Winchester Road/ Willoughby Road/ Cosby Road

The applicant has submitted proposals for a double mini-roundabout at this junction to replace the existing staggered crossroads and to improve traffic flow through the junction with the addition of development traffic.

The LHA notes that in the 2028 am with development scenario, the Winchester Road (South) arm would have a ratio flow to capacity value above the practical limit, but within the theoretical limit, resulting in a delay of 25.87 second. Whilst not desirable, the LHA does not consider this would result in significant delays. Tracking drawings have been provided which demonstrate that HGVs would overrun the centre line, but the LHA notes that this is no worse than the existing situation and would not be unacceptable in terms of highway safety.

The LHA recommended that the applicant should consider providing additional uncontrolled pedestrian crossings on Cosby Road East and Willoughby Road/ Winchester Road to improve the junction for pedestrians. The applicant has shown indicative dropped kerb uncontrolled crossing locations on the drawings.

The creation of the new double mini-roundabout at the Winchester Road/ Willoughby Road/ Cosby Road junction will be secured by condition.

Winchester Road/ Western Drive/ Welford Road/ Hospital Lane

A sensitivity test was included for development traffic associated with planning application 23/1071/OUT (Land adjacent to Leicester Road and Foston Road) which this Planning Committee has resolved to approve. The modelling shows that whilst in the 2028 'without development' scenario the junction is shown to operate above capacity for both queues and delays, in the 2028 'with development' and 'with development and 23/1071/OUT traffic' scenarios there would be a material deterioration in the performance of the junction in both the am and pm peak hours.

The LHA therefore initially recommended that the applicant should propose off-site improvement works to this junction to mitigate the impact of the development traffic.

The applicant submitted a Technical Note and has remodelled the junction. The results show that the Willoughby Road development does not have a significant impact on the existing double mini-roundabout. It indicates that the impact is comparable with that of the impact presented in the 23/1071/OUT application. The applicant would be willing to provide a commensurate financial contribution towards a mitigation scheme at this junction, but the LHA has advised that there is currently no such scheme in development.

In the August 2024 comment, the LHA changed its stance and advised that 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 and that a residual cumulative impact on the road network could not be demonstrated.

Other junctions

The LHA indicates that whilst the trip assignment indicates that there would be more than 30 development trips along Cosby Road (east) in the peak hours, some of the destinations for these trips would be Greenfield Primary School and pre-school, with approximately 4% of development trips routing down Gwendoline Drive, equating to five trips in the AM and PM peak hours. The LHA therefore considers there would be less than 30 trips going through The Square/ Central Street/ Church Street junction, and that modelling of this junction is not considered necessary.

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, and parks and recreational facilities. With the pedestrian link to Beechings Close and proposed footway improvements along Willoughby Road, the LHA is content that walking would be a viable means of travel for future residents.

The Transport Assessment also indicates that surrounding villages and employment areas in South Wigston and Whetstone are within a 5 kilometre cycle ride. The LHA welcomes the proposed provision of a 3-metre wide shared footway/ cycleway along Willoughby Road between the old railway bridge and playing fields access to the south which will be secured by condition. A dedicated transition for cyclists wishing to join the footway/cycleway from the carriageway has also now been proposed which the LHA welcomes.

Public transport

The LHA comments that there are bus stops within 700 metres of the centre of the site with frequent services to Leicester, Blaby and South Wigston. This distance is within the 800 metre maximum recommended in the Leicestershire Highways Design Guide for rural areas. The LHA is therefore content that bus travel would be a viable means

of travel for future residents. The nearest railway stations are within 5.2 metres (South Wigston) and 5.3 kilometres (Narborough) with services to Leicester and Birmingham. The Transport Assessment acknowledges that future residents would not likely travel by train given the distances of the nearby stations, although notes that it remains possible.

Travel Plan

The LHA initially did not consider the Travel Plan to be adequate as specific measures were not included in the action plan with clear outcomes. Following the submission of a revised Travel Plan, these concerns have been addressed and this is now considered acceptable to the LHA.

The LHA requests contributions to secure the following:

- Travel Packs – to inform new residents from first occupation what sustainable travel choices are available in the surrounding area;
- Six month bus passes – to encourage new residents to use bus services and to establish changes in travel behaviour from first occupation;
- A Travel Plan monitoring fee of £6,000 to enable Leicestershire County Council to provide support to an appointed Travel Plan co-ordinator.

Future site connectivity

As mentioned, the access proposed is 6.75 metres in width which is considered to be overengineered for the scale of development proposed in this application. However, given that this geometry of access could serve up to 1,000 dwellings, based on the guidance in the Leicestershire Highways Design Guide, it is considered that this could allow access to further land to the east were this to come forward for development in the future.

It is noted that an application off Gillam Butts for 51 dwellings is currently under consideration (24/0004/FUL). This is separated from the site in this application by an intervening field and the cricket club. No decision has yet been made on planning application 24/0004/FUL. However, were this development to be approved, and the intervening land to come forward for development at a future date, the access proposed in the current application onto Willoughby Road could potentially accommodate additional development traffic. The illustrative masterplan for this application shows allotments being provided at the eastern edge of the site. However, the applicant has been asked if they can provide a serviced road to the eastern site boundary to future proof land to the east. This can be secured by condition.

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 (with a less than 1 in 1000 chance of flooding occurring each year). The majority of the site is at very low risk of flooding from surface water (less than 1 in 1000 chance) although the central area of the site has a high risk of surface water flooding. The area of high risk has a greater than 1 in 33 chance of flooding each year with an area of medium risk either side at between 1 in 100 and 1 in 33 chance of flooding each year.

The proposals seek to discharge surface water to the existing watercourse which runs through the centre of site (along the existing field boundary, in the area at higher risk of surface water flooding). The watercourse runs downstream north of the site boundary to the River Sence. On site attenuation has been calculated based on a discharge flow rate of QBar (the mean annual flood flow from a rural catchment) or 34.8 l/s.

It is proposed that the surface water system to serve the site will provide sufficient attenuation to ensure that there is no flooding for up to and including the 1 in 100 year plus 40% adjustment for climate change event, to ensure that post development flooding does not occur within the site. An allowance for 10% urban creep has also been made (i.e. future residents creating additional non-permeable hard surfaces). The modelling has shown that based on the measured 4.65 ha (including urban creep) impermeable area of the site (59%) that approximately 4,020m³ of surface water attenuation would be required to ensure no flooding during the 1 in 100 year plus 40% climate change storm event and 10% urban creep. The Flood Risk Assessment comments that the exact volume of attenuation required should be re-visited at detailed design stage once the layout has been finalised, to reflect the impermeable areas to be drained.

Notwithstanding this, it is proposed to attenuate surface water flows from the site via two attenuation basins, located either side of the watercourse and attenuating flows either side of the watercourse. The FRA indicates that permeable paving will also be incorporated into the design in private areas occupied by car parking bays and drives.

In terms of foul water drainage, the applicant has liaised with Severn Trent Water and confirms that there is a combined sewer on Willoughby Road southwest of the site. This travels downstream into Countesthorpe and discharges into the Gwendoline Drive – Countesthorpe sewerage pumping station. A foul water pumping station will be located at the northwest of the site.

The LLFA considers the drainage strategy to be acceptable but comments that it expects the detailed drainage design to incorporate additional source control SuDS (such as pervious paving, swales, etc.) to promote additional infiltration and rainwater reuse in order to minimise any increase in surface water run-off volume from the site, these measures can be agreed as part of any future reserved matters application.

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.

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 backing onto the gardens of properties on Beechings Close, Maurice Drive, Mennecy Close and Waterloo Crescent to the north, and to the fronts of properties on Lord Close to the northwest. The vehicular access to the site would be located directly opposite no.33 and 35 Willoughby Road, and adjacent to 2 Lord Close to the north. The Illustrative Masterplan shows that areas of public open space will generally be located around the edges of the site, with the drainage ponds located to the north where the site adjoins the gardens on Maurice Drive, Mennecy Close and Waterloo Crescent. A narrower area of open space adjoins the Lord Close frontage and there is also an open space at the site frontage and adjacent to no.2 Lord Close.

In general, the positioning of open space adjacent to existing residential properties will alleviate any concerns regarding overlooking, loss of privacy or loss of light to existing properties and ensure appropriate separation distances are maintained. It is noted that a proposed play area is shown on the Illustrative Masterplan within the northern area of open space, quite close to the rear of properties on Maurice Drive. This has the potential to cause noise and disturbance to existing residents and as such it should be considered at detailed design stage whether this is the most appropriate location

for the play area, or how the equipment can be designed in such a way to protect residential amenity. Notwithstanding this, it is acknowledged that play areas are commonly located in residential areas and also offer benefits and communal space for children and young people.

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 access, no.33 and 35 Willoughby Road. However, the presence of a property opposite a junction is not unusual.

A number of residents of Beechings Close and Maurice Drive have also raised concerns regarding the proposed pedestrian access to Beechings Close. The concerns relate to an increase in passers-by on this cul de sac and the potential impact on security of properties and anti-social behaviour. Whilst these concerns are noted, on balance it is considered that the benefits of providing this link would outweigh the impacts, as it would provide a more direct route for future residents to Countesthorpe and would also allow existing residents to new accessible open space on the site. Whilst it is acknowledged that the link would be a relatively narrow passage, it could be designed in such a way to minimise the potential for antisocial behaviour and has the benefit of natural surveillance from dwellings on Beechings Close.

In terms of the residential amenity of future occupiers of the site, the illustrative masterplan shows that the suitable orientation and separation distances of dwellings is achievable within the development, with perimeter blocks with a depth of 35-45 metres, which appears to allow for back-to-back distances of dwellings of approximately 20 metres in most cases. This would help to ensure the protection of the amenities of future occupiers of the site.

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).

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.

Education provision

Regarding primary education, the development will yield 62 primary aged children. When taking into account primary schools within a two-mile walking distance from the development there is an overall deficit of 21 places if the development goes ahead. Therefore, a partial request for contributions in respect of the primary education sector of £385,476.00 is justified.

Regarding secondary education, the development will yield 41 secondary aged children. However, a contribution in respect of secondary education will not be required as there is still a surplus of 272 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. All special schools in Leicestershire are full and have a deficit of available spaces, which is forecast to remain so. A full request for contributions towards SEND of £115,719.29 is therefore justified.

Regarding early years, the development will yield 17.42 early years children. Whilst there are 10 surplus places currently within one mile of the site, there is another development of 170 dwellings in Countesthorpe and therefore a full request for contributions towards early years education of £319,761.52 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 £6,190.53 is sought to provide improvements to the library and its facilities.

Waste contribution

A contribution of £4,893.35 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 £158,752.00 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 £25,790 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.

Utilities

A Utilities Assessment has been submitted with the application, assessing the impact of the development on existing utilities infrastructure. A number of representations submitted have also raised concerns regarding the impact of the development on existing infrastructure, such as concerns about water pressure. Severn Trent Water has confirmed that a foul sewer is present within the western verge of Willoughby Road to which a connection can be made, but that sewer modelling will be required to understand the impact of flows from the development on the downstream combined sewer overflow. A clean water main is also present on Willoughby Road and Severn Trent Water has indicated that the first 75 dwellings can be supplied after which reinforcement works will be required. These measures will be agreed with Severn Trent Water directly and will be dealt with under separately regulatory regimes, including the Building Regulations and the Water Industry Act 1991.

National Grid Electricity Distribution has confirmed that there is sufficient capacity in the high voltage grid to supply electricity to the site but Cadent has indicated that there is insufficient capacity for gas supply and that reinforcement works will be required. The Utilities Assessment indicates that Openreach will supply Fibre to the Premises to all the homes free of charge for developments of over 20 dwellings.

Policy DM4 of the Delivery DPD states that all new build major residential and commercial development should be served by a fast, affordable and reliable broadband connection in line with the latest Government target. It indicates that developers will be expected to liaise with broadband infrastructure providers to ensure that a suitable connection is made. Since the publication of the Delivery DPD, however, legislation has overtaken policy requirements in this area as The Building etc. (Amendment) (England) (No.2) Regulations 2022 have introduced gigabit broadband infrastructure and connectivity requirements for the construction of new homes in England which means there is now a requirement in law for policy requirements of DM4 to be adhered to.

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 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. It states that open space and play facilities should normally be provided within the development but recognises that open spaces of less than 2200 square metres in size are of limited recreational value, are expensive to manage and maintain, often lead to conflict with neighbours and therefore have little overall community benefit.

On-site open space provision

Based on the requirements of Policy CS15, the following amounts of public open space required to serve the development have been calculated. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of 205 dwellings would have a total population of 492 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 2.83 hectares of open space will be provided on site, predominantly along the northern edge and to the centre of the site, along the field boundary, with smaller pockets of open space and edge open space to the southern edge. 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.

Type of open space	Amount per 1000 population in ha (Delivery DPD figures)	Amount for development in ha (492 population)	Actual Provision in ha
Parks and Recreation	0.23	0.113	0.113
Natural Greenspace	2.6	1.279	2.062
Informal Open space	1.0	0.492	0.492

Children and Young People's Open space	0.06	0.030	0.04
Allotments and Community Gardens	0.25	0.123	0.123
TOTAL		2.14	2.83

The overall amount of open space proposed exceeds the requirement of 2.14 hectares for those open space typologies being provided for on site. Specifically, the total area of natural green space exceeds the required amount by nearly 0.8 hectares but this 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, 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 £320,898 is sought and it is recommended that this is

used for the development of 3G pitches at Meadows Sports Ground or Countesthorpe Academy and improved changing facilities at either of the 3G pitches. In addition, it is recommended this contribution could cover improvements to pitch quality at Willoughby Road Playing Field and improving pitch quality at Cosby Recreation Ground for rugby provision to reduce overplay of rugby in Blaby East.

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 0.103 hectares of additional cemetery space. The Open Space Audit 2015 identifies that the existing standard for cemeteries in Countesthorpe is 0.31ha per 1,000 people, in excess of the policy requirement. In the recent consideration of planning application 23/1071/OUT, the recommendation included an off-site contribution for cemeteries, but only on the basis of there being an identified need.

Since that application was considered at this Planning Committee in July 2024, an assessment of cemetery provision in Countesthorpe has been undertaken. When taking into account the increased population of Countesthorpe since the 2015 Open Space Audit (i.e. using the population recorded in the 2021 Census of 7,675), and accounting for the increase in population as a result of the 170 dwellings proposed in 23/1071/OUT (approx. 408 people), the cemetery provision in Countesthorpe would still be above the Policy CS15 standard, at 0.244 ha/ 1000 people. As such, it was not considered that a contribution for off-site cemeteries would not be necessary or justified.

This current development would increase the population of Countesthorpe by a further 492 people to 8,575 people. With the increased population, the existing cemetery open space provision would be 0.230 ha/ 1000 people. This is still above the Policy CS15 standard of 0.21 ha/1000 people, and as such it is not considered that a contribution for off-site cemetery open space would be necessary or justified.

Furthermore, Countesthorpe Parish Council has recently confirmed that there is currently sufficient cemetery open space, although the parish council indicates that it would appreciate a financial contribution in the future for landscaping works. However, a financial contribution for such works is not considered to meet the tests set out in Regulation 122 of The Community Infrastructure Regulations 2010 as it would not be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Impact on neighbouring sports clubs

The southern boundary of the site borders the Willoughby Road Playing Fields whilst the eastern edge of the site borders allotments and beyond this Countesthorpe Cricket Club. As such, Sport England have been consulted to determine any possible impact on the use of these sports facilities. Sport England's policy is to object to any proposal which would result in the loss of, or prejudice the use of, all or part of a playing field. Sport England has consulted the England and Wales Cricket Board (ECB) who have confirmed that there would be no prejudicial impact for cricket as the nearest adult

pitch is over 80 metres from the site. The Masterplan submitted also shows the retention of the hedgerow boundary along the southern boundary with the playing fields and the setting back of the dwellings from the boundary.

Given the above, Sport England has no objection to the proposed development which is considered to accord with paragraphs 103 and 193 of the NPPF in that there would be no prejudicial impact on the use of the adjoining playing fields from the residential development. It is noted that neither the playing fields nor the cricket club currently have floodlighting and therefore there would be no impact on future residents from such lighting. If either sports facility were to propose floodlighting at a future date, this would need to be considered in the context of the residential development proposed in this application, were planning permission to be granted.

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 (BMV). 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.

No Agricultural Land Classification Report has been submitted with the application. However, it is noted from the Agricultural Land Classification map for the East Midlands, that the site is Grade 3, although it is not known whether this falls within 3a or 3b and therefore is BMV agricultural land.

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. Whilst it is not known whether or not the land is BMV agricultural land, it is noted that recent applications which have been considered by this Planning Committee have resulted in the loss of BMV agricultural land. In planning application 23/1071/OUT for up to 170 dwellings there was a loss of 7.8ha of BMV land, whilst in 23/0182/OUT for up to 200 dwellings there was a loss of 9ha of BMV land. In both these cases, whilst recognising that the loss of BMV land would be undesirable, it was considered that the size of the reduction from the total stock would not have wide ranging economic implications for the area. Also, given that consultation with Natural England only starts at 20ha it was considered that this is an initial indication of what is meant by a significant loss of agricultural land and anything below this threshold would not be significant.

On this basis, whilst no Agricultural Land Classification assessment has been provided, even if this was submitted and indicated that the entirety of the site was BMV, it is still not considered that the 7.87ha would be a significant loss sufficient to

warrant 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.

A Heritage Statement has been submitted with the application which assesses the significance of archaeological heritage assets on the study site, and comprises an examination of evidence in the Leicestershire and Rutland Historic Environment Record (HER).

There are no designated heritage assets within the site and no designated heritage assets within the surrounding areas which are considered sensitive to the proposed development. Countesthorpe Conservation Area is located approximately half a kilometre away to the northeast in a straight line distance, but with intervening residential development in between.

The archaeological potential of the site has been assessed through desk-based study and programmes of geophysical survey and archaeological evaluation. This has confirmed the presence of a single non-designated heritage asset within the site, a small enclosed Iron Age settlement, surviving as buried archaeological remains located in the west part of the site. Geophysical survey in the western field was initially carried out in 2010 followed by trial trenching in 2014 which confirmed the presence of mid to late Iron Age settlement remains. Geophysical survey of the eastern field was carried out in 2022 which identified no anomalies of archaeological origin. The significance of the identified archaeological remains in the western field is not considered sufficiently great that their physical preservation in situ is necessary. The Heritage Statement comments that the archaeological interest in the site can be adequately safeguarded through further archaeological investigation and recording.

The Leicestershire County Council Archaeology team has been consulted and has recommended an initial stage of post-determination trial trenching followed by a final stage of excavation, followed by post-excavation assessment, analysis, reporting and archive deposition. The archaeologist comments that a large part of the application site has not previously been subject to intrusive fieldwork evaluation and that there is the potential for further unidentified archaeological deposits. However, whilst any remains warrant further archaeological mitigation prior to the impact of the development, the archaeologist comments that they are not of such importance to represent an obstacle to the determination of the application. Whilst the current information is sufficient to support a decision, further post-determination trial trenching will be required. A condition is recommended to require a Written Scheme of Investigation to be submitted and agreed, and archaeological investigations to then be carried out.

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

Environmental Implications

Contamination

A Phase 1 Contaminated Land Report/ Desk Study Report dated October 2023 has been submitted with the application. This concluded that an intrusive site investigation should be undertaken to confirm ground conditions underlying the proposed development, to confirm suitable foundation and the presence of any contaminants. The Council's Environmental Services team has been consulted and has recommended a pre-commencement condition requiring the intrusive site investigation to be undertaken by a competent person and for any remediation that is required to be incorporated into the scheme, followed by appropriate validation.

Construction Impacts

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

Ecology and Biodiversity

Ecology appraisal

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

The appraisal does not consider that the proposed development would have an impact on any statutory designated sites. The closest non-statutory site is 'Playing Field Ash' Local Wildlife Site, within 100 metres of the site, designated for its mature ash tree in a hedgerow.

The potential for protected species or habitats to be present on site and impacted by the proposals has been assessed. The proposal is not considered to impact on protected species, but a number of areas of mitigation are recommended, including surveying of trees for bats if they are to be removed, sensitive bat lighting, avoiding clearance of vegetation during bird nesting season, and following precautionary measures in a Construction Environmental Management Plan to be agreed. Updated walkovers are also recommended in relation to a number of protected species.

The Leicestershire County Council ecologist has commented that the Preliminary Ecological Appraisal report is acceptable and that no significant ecological constraints were identified. However, the ecologist initially commented that a full habitat assessment was still required as the site had only been surveyed in February and December when the species diversity of the grassland was difficult to assess. Bat surveys were not considered necessary as the mature trees within the existing hedgerows were shown as being retained.

The LCC ecologist later commented that the PEA report was updated in 2024 to include the findings of ground level tree assessments (for bat roost potential). 13 ash trees were considered to require further survey work, but only any trees being removed would need to be surveyed more thoroughly. Baseline habitat surveys were also carried out in May 2024, including a conditions survey, which have helped to inform the Biodiversity Net Gain calculations.

The application site consists of modified grassland in poor condition. Native hedgerows run along field boundaries, some including trees and there is an area of mixed scrub to the northern boundary. The quality of hedgerows varies, with a hedgerow on the northern boundary being poor, the hedgerows on the western boundary (with Lord Close) and the southern boundary of the western field being moderate, and the central hedgerow and the hedgerow on the southern boundary of the eastern field being good.

The LCC ecologist recommends conditions requiring a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP) to be submitted and agreed, no removal of trees until further bat surveys have been carried out, and no development to take place until a further badger survey has taken place.

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. However, for applications (such as this one) submitted prior to the mandatory BNG requirement, the NPPF just refers to 'a net gain for biodiversity'.

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 10.52% in habitat units and 10.88% 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. It is noted that the development proposals resulted in a loss of habitat units on site, equating to a 32.7% loss. As such, an off-site area has been identified to the south of the site which will be upgraded from modified grassland

to neutral grassland, improving the quality of this area from poor to moderate. It is understood that this area of land is also within the ownership of the applicant, and the BNG here can be secured through a legal agreement. Meanwhile, a Landscape and Ecological Management Plan (LEMP) will be used to secure any on-site BNG provision, and ensure appropriate management of the habitats created for a period of 30 years.

The Leicestershire County Council ecologist has commented that with the application being submitted prior to mandatory BNG, only a net gain needed to be achieved, but the applicant has demonstrated that a 10.52% increase in area habitats and 10.88% increase in hedgerow habitats is possible, with the inclusion of the off-site area which will be converted to wildflower grassland. The ecologist considers that the habitat creation/ enhancement proposals and their likely achievable conditions are appropriate but that the off-set area south of the application site will need to be legally secured (as this falls outside of the red line area of the site).

Arboricultural implications

A Tree Survey and Tree Constraints Plan have been submitted which consider the arboricultural impacts of the development and include analysis of the trees present on site and a categorisation of their quality. Whilst a small number of trees are classed as Category U (unsuitable for retention), the illustrative masterplan does not suggest that any trees on the site would require removal, as the primary road through the site proposes to transect the field boundary where there are no trees present, and the access to the site does not directly affect any trees.

The Blaby District Council (Willoughby Road, Countesthorpe) Tree Preservation Order 1976 was issued to protect a group of poplar trees along a strip of land wrapping around the southern and eastern edge of what is now the Lord Close development (just outside the current development site). In January 2013, the Council granted consent under application 12/0858/1/TY for the 'Felling of 38 Hybrid Black Poplar trees' due to their significant structural defects and limited life expectancy. As part of this consent, it was agreed that 38 further trees would be planted as per the agreed scheme and work would be carried out within one year. Replacement trees were planted, but the Council were made aware in 2013 that these were dead or dying caused by little or no maintenance. The trees were replanted again. In 2016, the Council were again made aware that the trees which had been replanted were again dead or dying. It was recommended that the replacements should be of a more durable species. Replanting occurred mainly during January 2017.

A new TPO was issued in May 2017 (the Blaby District Council (Willoughby Road, Countesthorpe No.2) Tree Preservation Order 2017) as the new trees were different in both species and location, with 19 individual trees being on the southeastern side of Lord Close (T1 to T19) and 20 individual trees on the southern boundary of the development site bordering the playing fields (T20 to T38). In 2019, the Council were again notified that a number of trees, notably those on the southern boundary of the development site were dead or dying. An arboriculturalist commented that as the trees had been planted on the northern side of large trees and dense foliage, they were in full shade for most of the day. All but 5 trees along this boundary were again replaced. In 2020, the Council was again made aware that the trees on the southern field

boundary were dead or dying and required replacements. Leicestershire County Council were consulted and advised that any new trees on the southern development site boundary (T20 to T38) were unlikely to successfully establish. They advised that there would be no public benefit in enforcing the planting of the trees on the southern boundary with the playing fields and that the Order should be amended to only protect the 19 trees on the southeastern boundary of Lord Close

A report was considered by the District Council's Planning Committee on 1st July 2021 to vary the TPO to remove the 19 trees on the southern boundary with the playing fields from the TPO on the basis that there was no public benefit in enforcing their continuous replanting as replacements were unlikely to successfully establish. A modified Tree Preservation Order was subsequently issued in 2021 which protected just the 19 trees on the southeastern side of Lord Close.

There are therefore no protected trees on the proposed development site, but the 19 trees to the southeast of Lord Close are protected by the Blaby District Council (Willoughby Road, Countesthorpe No.2) Tree Preservation Order. As the illustrative masterplan proposed a strip of open space on the northwest side, it should be possible to satisfactorily retain and protect the health of these trees.

The Leicestershire County Council arboriculturalist has reviewed the proposed site masterplan and Tree Survey and comments that the site is ex agricultural land and therefore any trees and hedges present are on the site boundaries and within the central hedgerow which splits the site. Based on the masterplan the majority of existing trees and hedges would be appropriately retained and incorporated into the development. The masterplan also indicates a number of new trees and hedges to be planted across the site as part of the landscaping (although the exact scheme will be agreed at a future reserved matters stage). It is advised that a detailed landscape plan and maintenance plan for at least the first 5 years should be provided as a condition along with a detailed tree protection plan. Any landscaping which forms part of the on-site Biodiversity Net Gain provision, would, however, be required to be retained for a longer period of 30 years.

Overall Planning Balance and Conclusion

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

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

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

The proposed development would provide 205 dwellings, including 52 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 205 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 through a combination of on and off site provision (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 landscape impacts at the local level which are of moderate to minor significance in the short term, reducing to minor to minimal in the long term. At the local level the visual effects would be moderate to minor. However, these impacts would be mainly experienced in the immediate surrounding area rather than over a greater geographic extent. The proposed development would, however, erode the existing urban-rural fringe to the south side of Countesthorpe and it is also acknowledged that the proposed development is of a density which is higher than other existing developments in the surrounding area, which would therefore differ from the character of the immediate area, and would create a more built up urban edge to the village than currently exists when approaching from the south along Willoughby Road.

A previous outline planning application in 2009 for 120 dwellings on the western part of the site was refused, and a subsequent application in 2010 for the same number of dwellings was determined on appeal. The appointed Planning Inspector concluded that the development would have compromised the rural character and appearance of this area of countryside through the introduction of a housing estate onto an area of open countryside, and that the proposals would have a clear and immediate as well as a long-lasting impact on the landscape. It is acknowledged that the Council could demonstrate a five year housing land supply when this appeal decision was made, and that the surrounding context has changed with new developments to the north

being built since then. However, the Inspector's conclusions regarding landscape impact are considered to carry moderate weight in the planning balance.

The proposed development would also result in an increase in traffic with additional residents using local roads in the village and surrounding area. However, the Local Highway Authority does not consider the highway impacts of the development to be severe. The vehicular access to the site is considered suitable, and mitigation measures are proposed to the Willoughby Road/ Winchester Road/ Cosby Road staggered junction in the form of a double mini-roundabout to improve traffic flow. Whilst the Local Highway Authority initially suggested mitigation for the A426 Lutterworth Road/ Countesthorpe Road junction and the Winchester Road/ Welford Road/ Western Drive/ Hospital Lane junction, and the applicant put forward suggested schemes or offered a contribution, the Local Highway Authority did not consider the impacts on these junctions to be so significant as to warrant mitigation. Sustainable transport or Active Travel improvements are proposed, comprising of a pedestrian link to Beechings Close and a 3 metre wide shared footway and cycleway along Willoughby Road.

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 broadly meet or exceed the policy requirement, and would contribute to off-site sports facilities improvements. The proposal would result in the loss of agricultural land falling within Grade 3 of the Agricultural Land Classification system. This may be classed as the best and most versatile (BMV) agricultural land if it falls within Grade 3a, although no study had been provided to demonstrate whether this is the case. If the land is BMV land, this would carry moderate weight in the planning balance but nevertheless, 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.

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 acknowledged that in the context of the Council's lack of five year housing land supply and the 'tilted balance', the provision of housing carries significant weight in the planning balance. Other benefits include the provision of much needed affordable housing, economic benefits during the construction phase and to the local economy through household spending, improvements to local infrastructure and provision of on-site open space and enhancements to biodiversity both on and off site.

However, the proposed development would result in landscape harm and visual impacts, although these are considered to be moderate to minor in the locality beyond the immediate site boundary. The density of the proposed development would also likely be out of character with the lower density developments in the surrounding area and would result in a more built up edge to the village. However, the presence on-site open space, including generous provision of natural greenspace, including along the site edges would help to mitigate this impact. Furthermore, the development would result in loss of agricultural land falling within Grade 3 of the Agricultural Land Classification system which may class as the best and most versatile agricultural land. These matters all weigh negatively in the planning balance.

Overall, the proposal would conflict with some policies of the Development Plan, in particular being contrary to Policies CS2, CS18 and DM2 given the site is located beyond the Settlement Boundaries in the Countryside and there is landscape harm, visual impacts and loss of agricultural land. However, in the context of the 'tilted balance', as set out in paragraph 11d of the NPPF, any harm is required to significantly and demonstrably outweigh the benefits of the development in order to refuse planning permission. In this context, and accounting for the significant contribution which the development makes to housing land supply, it is not considered that the harms identified significantly and demonstrably outweigh the benefits.

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

Appendix 1 – Countesthorpe Parish Council consultation response
16 February 2024

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

COUNTSTHORPE 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 Lubbethorpe 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 10th 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 appears 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 25th 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.*

Thankyou again for consulting the Parish Council

**24/0117/VAR Registered Date
17 May 2024**

**Wexford Retail LP,
A Crown Estate (TCE) Company**

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

Unit 3 Fosse Park West, Grove Way, Enderby

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

Contact Details: Council Offices. Tel: 0116 2727520

RECOMMENDATION:

**THAT APPLICATION 24/0117/VAR BE APPROVED SUBJECT TO THE
CONDITIONS SET OUT BELOW.**

1. Approved plans condition (amended condition 2).
2. Main terrace limited to 8 units, only Units 3a and 3b permitted to be less than 393 sq m and only 4 units permitted to be less than 929 sq m (amended condition 4).
3. Units 1 and 2 shall not be amalgamated (formerly condition 5).
4. Limit of 5,997 sq m gross external ground floor area for main retail terrace (formerly condition 6).
5. Limit of 4,302 sq m for mezzanine floorspace in main retail terrace (formerly condition 7).
6. Units 1 and 2 limited to Class E(a) (formerly condition 8).
7. Units 13 to 18 limited to Class E(c) and limits on floor space for each unit (formerly condition 9).
8. Limit of 5,422 sq m for Unit 1 and limit of 3,537 sq m for ground floor area (formerly condition 10).
9. Limit of 6,689 sq m for Unit 2 and limit of 2,871 sq m for ground floor area (formerly condition 11).
10. No more than 5% of any unit in E(a) use to be used for the sale of ancillary food and drink for consumption off the premises (formerly condition 12).
11. Class E(c) floorspace to be used for no other purpose (formerly condition 13).
12. Vehicular gates, etc. to service yard to be hung so as not to open outwards. Other gates, etc. to be set back a minimum of 5 metres behind the highway boundary (formerly condition 18).
13. Minimum of 881 car parking spaces to be retained in perpetuity (formerly condition 19).
14. Landscaping scheme to be retained and any trees, etc. which die or are removed to be replaced within 5 years of original planting (formerly condition 21).
15. Lighting scheme to be retained in perpetuity (formerly condition 28).

NOTES TO COMMITTEE

Relevant Planning Policy

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

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS10 – Transport Infrastructure

Policy CS13 – Retailing and other Town Centre Units

Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development within Settlement Boundaries

Policy DM8 – Local Parking and Highway Design Standards

National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF) 2024 (consultation)

National Planning Practice Guidance

Consultations

Blaby Parish Council – No comments.

Braunstone Town Council – No comments.

Enderby Parish Council - No objection.

Glen Parva Parish Council – No comments.

Harborough District Council – No comments.

Hinckley and Bosworth Borough Council – No objection.

Highways England – No objection.

Leicester City Council – Comments included in full below:

Proposed development

The proposed development is to reconfigure the floorspace at Unit 3 (formerly known as unit 11) to allow for its subdivision to create two separate retail units. Part of floorspace at the rear of the unit would be “taken out” to create a new access to the upper level of Unit 2, and to create a new shared servicing area for the two new retail units. This would reduce the total retail floorspace by 113sqm.

The Planning Statement that supports the application states that “Unit 3 has been vacant since 2021 when the development was completed and that there is no realistic and commercially viable interest from any retailers seeking to occupy Unit 3 as a single unit despite over five years of consistent and genuine marketing”. The new occupiers of the retail units would be Lush and Rituals.

Subdivision of Unit 3

Unit three currently has a GIA of 563 sqm. It would decrease by 113sqm to create the shared servicing area, leaving a unit with a floorspace of 450sqm GIA. The unit would then be subdivided to create:

- Unit 3A: 234sqm (GIA)*
- Unit 3B: 216sqm (GIA)*

There are a total of 7 retail units in the main retail terrace at Fosse Park West. A total of three of these units are less than 929sqm. The proposed subdivision of Unit 3 would:

- Increase the total number of retail units in the main terrace by 1 to 8.*
- Two of the units in the main retail terrace would have a gross internal floorspace of less than 393sqm.*
- Create one additional retail unit with a ground floor gross internal area of less than 929 sqm GIA (4 in total).*

15/0577/Ful planning permission: Condition 4

Condition 4 of the 15/0577/FUL planning permission restricts the total number of retail units in the main retail terrace, and sets a minimum unit size as follows:

“The main retail terrace shown on plan 14173-0303-01 (Proposed Block Plan – Main Terrace) shall comprise of no more than 7 units, no individual Class A1 retail unit shall have a ground floor gross internal area of less than 393 square meters and no more than 3 units shall have a ground floor gross internal area of less than 929 sq. m.”

Reason: To protect the vitality and viability of nearby town centres and ensure that the impact of the development has been adequately assessed and considered. To ensure compliance with Core Strategy policies CS2, CS10, CS13 and CS24 as well as saved policies and T6, of the 1999 Local Plan

Reasons for the condition

The city council wishes to highlight the importance and purpose of condition 4 attached to the original consent. The reason that this condition is in place is to protect the vitality and viability of nearby town centres, which includes Leicester city centre. At the time of the original application the impacts were thoroughly tested through an appropriate retail impact assessment.

Smaller units could broaden the range of retail operators to the scheme which would ordinarily be found in the city centre and could impact on the diversity of comparison goods/ fashion operators in the city. Operators with smaller floorspace requirements are varied but examples include Lush, Body shop, Office Shoes and Pandora. Controlling the choice of retailers in the Castle Acres development is important to ensure that the range of operators does not diversify to the extent that all town centre retailers can trade from the proposed development. Therefore, we do not want to see

any units in the main retail terrace fall below the conditioned minimum size unit or result in subdivided units.

Proposed wording of condition

To facilitate the proposed reconfiguration of floorspace at Unit 3, this application seeks to vary the wording of Condition 4 of the 2015 Permission as follows:

“The main retail terrace shown on plan 14173-0303-01 (Proposed Block Plan – Main Terrace) shall comprise of no more than 8 units, no individual Class A1 retail unit shall have a ground floor gross internal area of less than 393 square meters except for Units 11A and 11B that shall have a ground floor gross internal area of 234 square meters and 216 square meters respectively and no more than 4 units shall have a ground floor gross internal area of less than 929 sqm.”

Retail Impact Assessment

This application relates to a floorspace of 563 sqm. An impact assessment is not necessary as this is below Blaby’s locally set threshold.

Sequential Assessment

In respect of the sequential assessment, it is very likely that there would be suitable units within Leicester city centre that would be suitable to accommodate the two retailers. However, this has not been explored in the sequential assessment other than to state that Lush is already located within the city centre and Rituals and are only looking to open their first store in Leicester and the wider area at Fosse Park, an out of centre retail park.

In Summary

Condition 4 of the planning consent 15/0577/FUL was an important part of the permission that was granted. It reflected impacts and issues that were identified in the retail impact assessment at the time of the application. The purpose of the condition is important as it is designed to protect the vitality and viability of the city centre for the reasons stated above. The retailing environment constantly evolves and has changed a lot since the original consent. However, condition 4 remains relevant and appropriate. The city council has previously flagged this condition as important in responding to application 17/1656/NMAT.

There is concern that if the proposed variation of conditions was granted consent it would set a precedent for permitting subsequent reductions and subdivisions of units, which would allow an incremental creep of changes to the nature of the units in the main retail terrace. The city council does not want to see any amendments to the parameters set out in condition 4 of 15/0577/Ful.

Leicestershire County Council, Highways - No objection. The Local Highway Authority notes there is a large amount of off-street car parking and excellent public transport links to the site. Given the above, there would appear to be no material impact on the public highway and therefore the LHA has no comment to make in these site-specific circumstances.

Narborough Parish Council – No comments.

Oadby and Wigston Borough Council – No comments.

Third Party Representations

None received.

Relevant Planning History

15/0577/FUL - Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing arrangements, car parking and landscaping and associated works including closure of Everard Way to create new pedestrian link into Fosse Shopping Park – Approved 21 February 2017.

This is the Fosse Park West permission which is proposed to be varied in this Section 73 application. Condition 2 relates to the approved plans. Condition 4 states as follows:

“The main retail terrace shown on plan 14173-0303-01 (Proposed Block Plan – Main Terrace) shall comprise of no more than 7 units, no individual Class A1 retail unit shall have a ground floor gross internal area of less than 393 square metres and no more than 3 units shall have a ground floor gross internal area of less than 929sqm”.

18/0550/FUL - Redevelopment of existing food court including demolition of existing building and erection of new building comprising of A1 and A3 use with new management suite, pedestrian link, car parking, servicing areas, landscaping and associated works – Approved 24 August 2018.

This permission relates to the redevelopment of the Food Court which now connects Fosse Park West and Fosse Park North.

17/1046/DOC - Submission of mezzanine floorspace details for unit 6 in accordance with condition 7 of application 15/0577/FUL – Approved 7 September 2017.

17/1101/NMAT - Non Material Amendment to application 15/0577/FUL - (Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing arrangements, car parking and landscaping and associated works including closure of Everard Way to create new pedestrian link into Fosse Shopping Park) - proposing replacement of the previously approved conservatory and garden centre to Unit 1 with a restaurant – Approved 27 February 2018.

18/1748/NMAT - Non Material Amendment to 15/0577/FUL (Castle Acres Approval) - Unit 1- Including re introduction of conservatory as originally approved, raising of the parapet wall and amendments to Condition 10 (GEA clarification) – Approved 5 March 2019.

20/0276/DOC - Discharge of condition 7 attached to 15/0577/FUL relating to mezzanine floorspace details for units 5 and 6 – Approved 12 June 2020.

20/0716/DOC - Discharge of condition 7 attached to 15/0577/FUL relating to mezzanine floorspace details for unit 8 – Approved 15 December 2020.

24/0116/FUL - Use of first floor of Unit 2 as medical, wellness and aesthetic clinic within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), the provision of a carve out of part of the floorspace to the rear of Unit 3 for access to Unit 2, and external alterations to the elevations – Approved 15 May 2024.

In addition to the above applications, there are a number of non-material amendment applications for minor changes to the permission granted in 15/0577/FUL, and applications to discharge conditions imposed on planning permission 15/0577/FUL.

EXPLANATORY NOTE

The Site

Fosse Park is a large out of town shopping centre located in Enderby close to Junction 21 of the M1 accessed by the dual carriageways of Soar Valley Way and Narborough Road South.

Fosse Park West (previously known as ‘Castle Acres’ was granted planning permission in 2017 (in application 15/0577/FUL) and was built on the former site of Everards Brewery. The development was an extension to the existing Fosse Park Shopping Centre (which already comprised of Fosse Park North and Fosse Park South) and had a gross internal area (new floor space) of approximately 28,329 square metres. As with the existing Fosse Park, the extension had a focus on fashion-led retail, but also contains several café/restaurant units, including two kiosks located in the car park. A separate planning permission (18/0550/FUL) was granted in 2018 which related to the redevelopment of the food court which now connects Fosse Park West and Fosse Park North. The three elements of Fosse Park together provide some 70,500 square metres of retail and food and beverage uses

The permission granted for Fosse Park West included two main ‘anchor’ units at the east and west sides of the site. In addition, a main terrace of non-food retail outlets comprised of 7 units of differing sizes. The unit sizes approved were indicative and could be subject to change depending on tenant demand, but condition 4 allowed no more than 7 units within the main retail terrace, and also specified that no individual unit could have a ground floor gross internal area of less than 393 square metres and no more than 3 units could have a ground floor gross internal area of less than 929 square metres. The reason for this condition was to protect the vitality and viability of nearby town centres and to ensure that the impact of the development had been adequately assessed and considered.

In addition, condition 7 allowed up to 4,302 square metres of mezzanine floorspace within the main retail terrace and required the size and location of any mezzanine additions to be first submitted to and approved by the District Planning Authority.

The strict controls over the size of the units was to ensure that those in the retail terrace continued to be in line with the large retail units which are a feature of such retail parks and had been considered in the original application. Condition 4 was intended to prevent an increase in smaller units within the proposed development than had been assessed as part of the application whilst allowing flexibility in the specific size of each unit. This reflected the sequential based approach to retail development, as set out in the National Planning Policy Framework and Policy CS13 of the Blaby District Local Plan (Core Strategy) Development Plan Document, whereby retail development should be directed towards the existing higher order retail centres, and only where there are no suitable and available sites in town centres should edge of centre or out of centre locations be considered.

The Proposal

The development proposal subject to this application seeks to reconfigure the floorspace of Unit 3 to allow for its subdivision to create two separate units, including a carving out of part of the unit to create a new access to the upper level of Unit 2, and create a new shared serving area for the two new retail units. The proposed development also includes external alterations to the elevations of Unit 3 to facilitate the proposed subdivision. At the time of submission, the applicant advised that the proposed subdivision would facilitate the occupation of the unit by two new occupiers, Rituals and Lush. Unit 3 has been vacant since it was constructed and has never been occupied, despite the applicant advising that it has been marketed for over five years.

The application has been submitted as an application under Section 73 of the Town and Country Planning Act 1990 to amend conditions imposed on the original Fosse Park West permission, 15/0577/FUL.

Condition 4

The proposal requires an amendment to condition 4 for the following reasons:

- the number of units in the main terrace would increase to eight (more than the seven currently permitted); and
- the resulting units would measure 234 sq m and 216 sq m (gross internal floorspace) which is less than the 393 sq m permitted for any unit in the main terrace, and would also result in more than three units being less than the 929 sq m referred to in the condition.

This Section 73 application therefore proposes to amend the wording of condition 4 to read as follows:

“The main retail terrace shown on plan 14173-0303-01 (Proposed Block Plan – Main Terrace) shall comprise of no more than 8 units, no individual Class A1 retail unit shall have a ground floor gross internal area of less than 393 square metres except for Units 11A and 11B that shall have a ground floor gross internal area of 234 square metres and 216 square metres respectively and no more than 4 units shall have a ground floor gross internal area of less than 929 sq. m.”*

*The units have been renumbered since the original permission and so Unit 3 has become Unit 11.

Condition 2

Condition 2 of 15/0577/FUL sets out the list of approved plans to which the approved development must be built in strict accordance with. In order to facilitate the reconfiguration of Unit 3, the application includes external alterations to the elevations of Unit 3. The application therefore proposes amended wording to refer to the changes to Unit 3 (formerly referred to as Unit 11) only to reflect the amended plans.

The application was submitted alongside an application for the use of the first floor level of Unit 2 within Class E, to facilitate occupation by 'The Health Suite' (24/0116/FUL) which included the provision of a carve out of part of the floorspace to the rear of Unit 3 for access to Unit 2. The total floorspace of Unit 3 has therefore already been slightly reduced through this permission, but it was still above the minimum thresholds.

Section 73 application

An application made under Section 73 of the Town and Country Planning Act 1990 can be used to vary or remove conditions associated with a planning permission. A new, independent planning permission is created with amended conditions which sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision on a Section 73 application should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. It is therefore necessary to review all conditions imposed on the original permission, 15/0577/FUL. As the original permission has been implemented, those which are no longer relevant (for example, which relate to pre-commencement matters) may be removed or varied as appropriate.

Environmental Impact Assessment

The process of Environmental Impact Assessment (EIA) in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental impacts.

The original planning application was considered 'EIA development' as it comprised of an urban development project where the site area exceeded 1 hectare and an Environmental Statement was submitted with the planning application.

The Planning Practice Guidance advises that a Section 73 application is considered to be a new application for planning permission under the Environmental Impact Assessment Regulations, and that where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. It states that whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a Section 73 application for an EIA development.

In this instance, the previous Environmental Statement submitted with application 15/0577/FUL has been provided, but no additional or amended information was considered necessary as the proposal simply involves the subdivision of one of the retail units and would not have any additional or altered impacts on the environment.

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.

The relevant policies of the NPPF referring to retail development (Chapter 7 of the NPPF) are summarised below:

- Paragraph 90 refers to the role of town centres and requires local planning authorities to define a network and hierarchy of town centres.
- Paragraph 91 introduces the 'sequential test' to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This requires main town centre uses to be located in town centres, then edge of centre locations, and only if suitable sites are not available (or expected to become available) should out of centre sites be considered.

The glossary to the NPPF defines main town centre uses as:

“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

- Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- Paragraph 94 introduces the 'impact assessment'. This requires local planning authorities to require an impact assessment for retail development outside of town centres (or not in accordance with an up-to-date plan) if the development is over a proportionate, locally set threshold (or over 2,500 sq metres of gross floorspace if no threshold is set). This should include assessment of the impact on planned public and private investment in centres in the catchment area and the impact on town centre vitality and viability.
- Paragraph 95 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact in one or more of the considerations in paragraph 94, it should be refused.

National Planning Policy Framework (NPPF) – Consultation 2024

The government is currently consulting on their proposed approach to revising the NPPF. As a draft document where consultation is ongoing, the revised NPPF should

only be afforded limited weight. However, no changes are proposed to Chapter 7 (Ensuring the vitality of town centres) and so the policy context in relation to retail planning remains unaltered.

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

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, comprising the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva.

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 CS10 – Transport infrastructure

Seeks to reduce the impact of new development on the highways network by locating new development so people can access services and facilities without reliance on private motor vehicles. Opportunities for safe sustainable and accessible transport modes (including walking, cycling and public transport) will be maximised.

Policy CS13 – Retailing and Other Town Centre Uses

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

The Policy contains the Blaby District Retail Hierarchy which sets out the list of centres both inside and outside the District boundary which have a functional relationship to the district:

- City Centre – Leicester City Centre
- Town Centres – Blaby, Beaumont Leys, Hinckley, Wigston, Market Harborough, Lutterworth
- District Centres – Enderby, Glenfield, Narborough, South Wigston, Oadby, Broughton Astley, Narborough Road (Leicester), Anstey
- Rural Centre – Stoney Stanton
- Local Centres – Cosby, Glen Parva, Huncote, Sapcote, Whetstone, Countesthorpe, Leicester Forest East, Kirby Muxloe, Ratby, Groby, Burbage
- Out of Centre – Motorways Retail Area (Fosse Park, Grove Farm Triangle, Asda) and St Georges Retail Park.

The Policy states that 'managed growth' will be facilitated within the Motorways Retail Area in a form which is complementary to the achievement of the Blaby Town Centre Masterplan. The Blaby Town Centre Masterplan is a regeneration project dating back to 2006 which aimed to improve and enhance Blaby Town Centre, making it more attractive and appealing as a shopping and leisure venue. This document does not have any policy status and is no longer an up-to-date document.

Policy CS13 does also state that new development or extensions in the Motorway Retail Area will be required to demonstrate the following:

- (i) There would be no unacceptable impacts on existing centres;
- (ii) There are no sites suitable, available and viable and which are in sequentially preferable locations within or on the edge of existing centres;
- (iii) They are capable of being well integrated with the existing retail facilities; and
- (iv) They incorporate the provision of proportionate sustainability measures, including:
 - Public realm, design and architectural improvements;
 - Improved accessibility to the site by means of public transport, walking and cycling;
 - Greater connectivity and ease of access between disparate parts of the MRA, particularly for pedestrians;
 - Improvements to the local and wider transport network resulting from development;
 - Retail units maintaining the minimum floorspace thresholds identified in the original consent.
 - Mitigation of any material impacts on flooding that might occur.

Policy CS13 also sets a local floorspace threshold for the requirement for retail impact assessments. It states that all applications for new retail and leisure developments in excess of 929 sq m (10,000 sq ft) gross and not within an existing town, district, rural or local centre will be required to provide impact assessments. Similar to the NPPF it states that impact assessments will be required to demonstrate:

- The impact of the proposal on the vitality and viability of any centre, including local consumer choice and trade in the centres; and
- The impact of the proposal on existing, committed and planned public and private investment in any centre.

Policy CS24 – Presumption in Favour of Sustainable Development

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

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

Policy DM1 - Development within the settlement boundaries

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

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

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking provision 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.

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.

Planning Considerations:

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise. All material considerations must be carefully balanced to determine whether the negative impacts outweigh the positive impacts to such a degree that the adopted policies of the Development Plan should not prevail. This section will consider the proposed changes which the applicant wishes to make to planning permission 15/0577/FUL, considering the following:

- Retail policy summary
- Background to the Fosse Park West permission and the floor space restrictions
- Leicester City Council objection
- Sequential assessment
- Impact assessment
- Other alterations including elevational changes
- Overall planning balance and conclusion

Retail policy summary

The above policy section sets out both the national and local policy position in relation to retail development. However, for clarity, the overall strategy, in both national and local policy is a 'town centre first' approach, whereby retail development in existing

town centres is given priority over edge or out of centre locations. Blaby District Council's Local Plan identifies the 'Motorways Retail Area' (including Fosse Park) as an out-of-centre location as it is not located at the heart of an existing settlement, and it therefore sits at the bottom of the retail hierarchy.

Background to the Fosse Park West permission and the floor space restrictions

The planning application which was considered by the District Planning Authority for Fosse Park West (15/0577/FUL) was subject to a sequential test and impact test. The proposed development accorded with the sequential test as there were no identified sites which offered the genuine potential (i.e. were suitable and available) to accommodate the proposed development in sequentially preferable locations (i.e. better related to existing centres) within Blaby, Hinckley and Bosworth, Leicester City Centre and Oadby and Wigston.

Case law has demonstrated that where the sequential test is applied, the suitability of alternatives for the whole development needs to be considered, but the Planning Practice Guidance does state that consideration should be given to any scope for flexibility in the format and/or scale of the proposal. It is therefore the entirety of the proposed Fosse Park West development which had to be considered, rather than the ability of existing centres to contain individual units.

The impact test firstly examined the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposed development and it was concluded that the proposed development would not have a significant adverse impact on any existing, planned or committed investment.

Secondly, it assessed the impact of the proposed development on town centre vitality and viability within the identified catchment area. It was concluded that the proposal would have a significant adverse impact on the vitality and viability of Leicester City Centre. The NPPF is clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on at least one of the two elements of the impact test, the application should be refused. However, case law has shown that a local planning authority must weigh all factors in the planning balance, taking into account any mitigating circumstances.

In determining the application, the District Planning Authority took into account mitigation measures which could be used to offset the degree of impact on Leicester City Centre. Leicester City Council considered that mitigation measures would minimise the impact to a point where they could conclude that the impact on the vitality and viability of Leicester City Centre would not be significantly adverse. The mitigation measures included contributions to city centre improvements, the funding of an employment and skills coordinator, and controls to prevent the main anchor store retailers occupying stores in Leicester City Centre from occupying stores at Fosse Park West and closing their existing stores in Leicester City Centre within a period of 5 years.

Leicester City Council also recommended a number of planning conditions to be imposed if planning permission was granted which included the following:

- Conditions restricting floorspace to that applied for as per the application;
- Conditions restricting range of goods to be sold by all units to comparison goods to preclude the sale of convenience goods (over an ancillary amount of up to 10% of the sales floorspace)
- Conditions precluding further subdivision of units and retention of the minimum unit size of 929 sq m for all units other than those specified below this requirement in the application
- Conditions restricting the construction of mezzanine areas to those as detailed in the application only.

These recommended conditions formed the basis of conditions 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the original permission.

Regarding condition 4 of 15/0577/FUL, there is no clear reason as to why the main terrace was limited to 7 units only, or why 393 square metres was selected as the minimum ground floor gross internal area. It is noted that 929 square metres (the gross internal floor space which only three units were permitted to fall below) is the threshold above which Policy CS13 of the Core Strategy requires an impact assessment to be carried out for retail developments which are not in an existing town centre. Overall, however, the intention of the conditions was to limit the development to that which was being applied for.

The committee report for 15/0577/FUL also indicates that the intention was to avoid the development evolving in the future to a point where it would start to provide accommodation which would appeal to retailers who may not have a requirement to locate at both Fosse Park and Leicester City Centre. The report stated that without a condition relating to sub-division and minimum unit size, the development could evolve such that one of Leicester City Centre's key differentiators (i.e. that it provides a range of different types of shops including relatively small and specialist retailers) was diluted. The report considered that the conditions imposed achieved this.

Leicester City Council objection

Leicester City Council has objected to the proposed variation to 15/0577/FUL to subdivide Unit 3, and its response is included in full earlier in this report.

In its response, the city council highlights the importance and purpose of condition 4 attached to the original consent, commenting that this was imposed to protect the vitality and viability of nearby town centres which includes Leicester City Centre, with the impacts being thoroughly tested at the time.

The city council comments that smaller units could broaden the range of retail operators which would ordinarily be found in the city centre and could impact on the diversity of comparison goods and fashion operators in the city. It comments that controlling the choice of retailers at Fosse Park is important to ensure that the range of operators does not diversify to the extent that all town centre retailers can trade from Fosse Park. As such, the city council comments that it does not wish to see any units in the main retail terrace fall below the conditioned minimum size unit.

With regards to the retail sequential test, the city council comments that it is likely that there would be suitable units within Leicester City Centre that would be suitable to accommodate the two retailers but that this has not been explored in the sequential assessment other than to state that Lush is already located in the city centre and Rituals are only looking at opening a store at Fosse Park.

With regards to the retail impact assessment, the city council comments that the application only relates to a floorspace of 563 square metres and so an impact assessment is not necessary.

The city council does acknowledge that the retailing environment constantly evolves and has changed substantially since the original consent, but that condition 4 remains relevant and appropriate. The city council is also concerned about the proposed variation setting a precedent for subsequent reductions and subdivisions of units if granted, resulting in an incremental creep of changes in the nature of the units.

Sequential assessment

The Section 73 application as initially submitted did not include a full sequential assessment but rather stated that the application site related to an existing Class E(a) retail unit in an existing retail park which is an established retail and leisure destination. On the basis that Unit 3 is currently a town centre use, it commented that the proposals did not introduce any additional town centre uses.

The Planning Statement also commented that Unit 3 has been marketed on a continuous basis by the applicant since 2018 with no realistic commercially viable interest from any retailers. The statement also commented that the proposals would facilitate the occupation by two identified occupiers, Rituals and Lush and so was not speculative. It commented that Lush already have a store in Leicester City Centre and the proposed store would operate in addition to this. Rituals do not currently have a store in Leicester City Centre or the wider region but that Fosse Park is the only location they will consider for their first store in the area.

Following the original submission, a full Sequential Assessment was submitted in August 2024 which assesses whether there are any sequentially preferable sites within appropriate higher order retail centres within the city centre, town centre and district centre levels of the retail hierarchy. It provides a full detailed assessment of possible sites in Leicester City Centre, Blaby Town Centre and Beaumont Leys Town Centre, and also gives consideration to the lower order centres of Wigston Town Centre, Enderby District Centre, Glenfield District Centre and Narborough District Centre.

Within Leicester City Centre, vacant sites were identified with only 10 larger than the minimum threshold of 400 square metres to be able to accommodate the proposal. The units were dismissed for a variety of reasons, including not being available, being in peripheral locations in the city centre and not benefitting from the necessary footfall, being significantly larger than the required floorspace, or being an irregular shape and not able to be subdivided.

In Blaby Town Centre, the three units available were all significantly below the floorspace required. In Beaumont Leys, the three units available were also below the floorspace required. Only one unit was available at St George's Retail Park which was above the floorspace threshold. The centres of Wigston, Enderby, Glenfield and Narborough were all considered to be lower order centres with groups of small shops and a main convenience store or supermarket and were not considered an appropriate scale or function to accommodate the proposed development.

The sequential assessment concludes that there are no suitable or available sequentially preferable sites which can accommodate the development proposals and that the sequential test is therefore passed and the proposed development therefore complies with Paragraph 91 of the NPPF and Policy CS13 of the Blaby Core Strategy. The sequential assessment does appear to have been carried out comprehensively, considering existing city, town and district centres. Whilst more distant town centres outside of the district, such as Hinckley, Market Harborough and Lutterworth have not been considered, these are at least 10 to 15 miles from the application site and considered to have different catchments. Some flexibility has also been applied in the size and format of units, although the majority of alternative locations which were available were either too large or too small or discounted for other reasons. As such, officers are of the view that the sequential test has been passed.

Following the submission of the sequential assessment, Leicester City Council were reconsulted on the planning application and forwarded a copy of the sequential assessment. However, no further comments have been received from Leicester City Council.

Impact assessment

As previously stated, Policy CS13 of the Core Strategy sets out a threshold of 929 square metres above which proposals for retail development not within an existing town, district, rural or local centre should provide an impact assessment.

As acknowledged in Leicester City Council's response, the application relates to an existing Class E(a) retail unit with a floorspace of 563 square metres and therefore there is not required to undertake an impact assessment.

Other matters

Aside from the sequential test and impact assessment, Policy CS13 indicates that there are a number of other factors which extensions or new development will be required to demonstrate.

This includes public realm, design and architectural improvements. The proposals include small changes to the elevations of the units to facilitate the subdivision which are considered minor and acceptable in design terms. The proposed development would also bring into use a unit which has remained vacant since Fosse Park West first opened, thereby resulting in greater connectivity between disparate parts of Fosse Park West as currently shoppers pass a vacant unit in order to gain access to other units on the main retail terrace.

However, it is noted that one of the requirements is that retail units should be maintain the minimum floorspace thresholds identified in the original consent. Whilst this criterion has not been met, it is considered some flexibility in the thresholds may be needed in order to enable vacant units to be filled. The applicant has indicated that the unit has been marketed since 2018 but no retailers have expressed an interest in the larger format store. It is considered that the retail sector for comparison goods has changed substantially since planning permission was granted for Fosse Park West and a number of large national retailers have gone out of business. The Centre for Cities reported in 2023 that post-Covid online spending has remained high and although people have returned to in-store shopping, sectors like fashion have been particularly vulnerable to the growth in online spending¹. As such, it is considered that some flexibility is required in order to enable empty stores to be filled.

The Leicester Retail and Leisure Study 2021 notes that the level of vacant units in Leicester City Centre was at 22.1% which is considered to be a higher level than the overall vacancy rate at Fosse Park. However, the higher vacancy rate in a higher order retail centre is not considered a reason to preclude allowing some flexibility in the unit sizes at Fosse Park to allow a permanently vacant unit to be filled here, particularly where it has been demonstrated that there are no suitable and available units in Leicester City Centre to accommodate the proposal.

In addition, it is noted that some flexibility has previously been applied in the minimum floorspace limits at Fosse Park North. In application 08/0833/1/VY, the original Fosse Park North permission (86/1429) was varied to allow the subdivision of specified units to create up to 6 smaller units of less than 929 square metres (10,000 square metres).

The economic benefits of the proposal have also been discussed in the submitted Planning Statement, indicating that the occupation of the subdivided store by the two named companies would result in the creation of 42 jobs, a mix of full and part time positions. The applicant has also indicated that the majority of existing employees who work at Fosse Park reside in Leicester and so the shopping centre has wider economic benefits which extend beyond the boundaries of Blaby District.

The proposed development is not expected to have an impact on the safe and efficient operation of the transport network. The level of traffic generated by the subdivided store is not considered to be significantly higher than for the existing larger store, although it is acknowledged that two stores may employ a greater number of staff than one store. The Transport Assessment submitted indicates that Unit 3 represents 0.7% of the floorspace at Fosse Park and that there would not be any noticeable change in traffic conditions. The proposals do not include any changes to the car park, with the proposed use anticipated to generate an additional demand for 5 to 8 spaces during the day relative to a single unit. It is anticipated that the units would receive on average 4 to 7 deliveries per week and no changes are proposed to the service yard.

¹ <https://www.centreforcities.org/publication/three-years-on-from-lockdown-has-the-pandemic-changed-the-way-we-shop/>

Overall Planning Balance and Conclusion

This Section 73 application proposes a variation to the original Fosse Park West permission (15/0577/FUL) to allow Unit 3 (which has remained vacant since the extension to the shopping centre opened) to be subdivided and occupied by two separate retailers. The change would require an amendment to condition 4 to allow the number of units in the main retail terrace to increase from 7 to 8, a reduction in the minimum floorspace limit and an increase in the number of units permitted to have a floorspace less than 929 square metres (10,000 sq ft) from 3 to 4.

Whilst an established shopping centre, in retail planning policy terms Fosse Park is classed as an 'out of centre' location and policy therefore directs new development and extensions to higher order retail centres, the so-called 'town centre first' approach. However the applicant has demonstrated that there are no sequentially preferable sites in higher order retail centres (city centres, town centres, district centres) within an agreed catchment which are suitable and available to accommodate the combined floorspace of the two proposed units whilst allowing for some flexibility. As the floorspace falls below the locally set 929 square metre threshold, an impact assessment to assess the impact of the proposal on existing centres is not required.

Policy CS13 provides the policy context for retail development in the District, with the National Planning Policy Framework is a material consideration. The site falls within the 'Motorways Retail Area' where it states that managed growth will be facilitated. The proposal does not result in an increase in overall floorspace but could potentially be classed as 'new development' as it is of a different form to the existing layout and limitations. The proposal accords with the requirements relating to the sequential test and impact assessment. It would not, however, comply with the criteria which requires minimum floorspace thresholds in the original consent to be maintained. Nevertheless, the proposal would offer benefits, both in economic terms through the creation of jobs, and enabling an existing vacant store to be occupied.

Leicester City Council objected to the proposed development on the basis of the impact on the vitality and viability of Leicester City Centre from allowing smaller units which are similar in scale to the retail offer which Leicester provides. However, through the application of the sequential test, the applicant has now demonstrated that there are currently no sites in Leicester City Centre which could realistically accommodate the floor space of the two proposed units. Leicester City Council has been reconsulted but no further comments have been received.

Overall, the proposed changes to planning permission 15/0577/FUL are considered acceptable when considering the development plan as a whole, taking into account any other material planning considerations, and it is recommended that planning permission is granted.

**24/0133/FUL Registered Date
9 February 2024**

Glen Parva JV LLP

Full application for 26 dwellings with associated infrastructure.

Land To South West Of Cork Lane, Glen Parva

**Report Author: Charlene Hurd, Senior Planning Officer
Contact Details: Council Offices. Tel: 0116 272 7705**

**RECOMMENDATION: THAT APPLICATION 24/0133/FUL BE APPROVED
SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT
TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE
THE FOLLOWING:**

- 25% Provision of Affordable Housing
- Primary Education
- Post 16 Education
- Library Facilities
- Health Care Facilities
- Waste Facilities
- S106 Monitoring – District and County Councils
- Securing of off-site biodiversity units are per the Biodiversity Net Gain Report.

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

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

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

NOTES TO COMMITTEE:

Relevant Planning Policies and Guidance

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

Policy CS1 – Strategy for Locating New Development
 Policy CS2 – Design of New Development
 Policy CS5 – Housing Distribution
 Policy CS7 – Affordable Housing
 Policy CS8 – Mix of Housing
 Policy CS10 – Transport Infrastructure
 Policy CS11 – Infrastructure, services and facilities to support growth
 Policy CS12 – Planning Obligations and developer contributions
 Policy CS14 – Green Infrastructure (GI)
 Policy CS15 – Open space, sport and recreation
 Policy CS16 – Green Wedges
 Policy CS19 – Bio-diversity and Geo-diversity
 Policy CS20 – Historic Environment and Culture
 Policy CS21 – Climate Change
 Policy CS22 – Flood Risk Management
 Policy CS23 – Waste
 Policy CS24 – Presumption in Favour of Sustainable Development

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

Updated Policy CS15 – Open Space, Sport and Recreation
 Policy DM1 – Settlement within the Settlement Boundaries
 Policy DM4 – Connection to Digital Infrastructure
 Policy DM8 – Local Parking & Highway Design Standards
 Policy DM11 – Accessible and Adaptable Homes

Policy DM12 – Designated and Non-designated Heritage Assets
DM13 – Land Contamination and Pollution

National Planning Policy Framework (NPPF) (2023)

National Planning Policy Framework (NPPF) 2024 (consultation)

Planning Practice Guidance (PPG)

Other Supporting Documents

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

Leicestershire Highways Design Guide

Blaby District Council Active Travel Strategy 2024

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

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

Blaby Landscape and Settlement Character Assessment (January 2020)

Blaby District Council Open Space Audit (December 2015)

Blaby Playing Pitch Strategy & Action Plan 2020

Blaby Residential Land Availability Report (March 2023)

Joint Strategic Flood Risk Assessment Final Report (October 2014)

**Leicester and Leicestershire Housing Market Area Housing and Economic Land
Availability Assessment (SHELAA) 2019**

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

Consultation Summary

Blaby District Council, Environmental Services –

05.02.2024 – Further information is needed before determination relating to:
An air quality assessment is considered necessary for Phase II of the development that could be an addendum to the 2014 report.

The submitted application form indicates that surface water is to be disposed of using SuDs. This does not appear to be consistent with the Informative, and needs to be resolved by the Applicant.

A letter from Georisk Management, dated 19th January 2024, has been submitted with the current application. This confirms that proposed Phase II of the development falls within the area that the previous investigation reports cover. This addresses the technical aspects of the proposal. However it will be necessary to ensure that planning controls are imposed on any planning permission granted to secure appropriate remediation.

Considered that surface and foul water drainage would be considered by the LLFA and Severn Trent Water.

It was recommended that the applicant submits an acoustic report, which may be an Addendum to the report considered with Phase I.

It was recommended that the applicant submits a CEMP which considers existing residential properties and those of Phase I and II of the development and should include piling.

Provided further comments as part of a re-consultation (29.05.2024) -

Air Quality - An Air Quality Assessment, prepared by BWB (document reference GPV-BWB-XX-ZZ-LA-RP-0001_AQA) has been submitted. I was contacted by BWB with regard to the scoping of the assessment, and this is referred to in section 3.1 of the document. The document appears to be acceptable.

In terms of the construction phase, tables 4.5 and 4.6 provide details of recommended measures to address dust and air quality impacts. These should inform the CEMP which I have referred to below.

In terms of the operational phase, a screening assessment was undertaken and reference is made to the air quality assessment carried out in relation to Phase I of the development.

Section 5.9 refers to other environmental measures which are proposed as part of the development.

Section 5.13 refers to the results of Blaby District Council's Diffusion Tube 15. The current proposed Masterplan for the development is included in Appendix B of the document. Should this Masterplan be revised in the future, this Appendix should also be revised accordingly.

Land Contamination – No further details required, a planning condition should be imposed on any decision.

Drainage – No comments to make on the submitted details.

Noise and Disturbance - An Addendum Technical Note, prepared by BWB, dated May 2024, has been submitted. This Note appears to be acceptable. It would therefore be appropriate for the proposed dwellings of Phase II to have a similar level of protection from noise to those immediately adjacent dwellings of Phase I. This was controlled by Condition 19 on Planning Permission 15/0176/OUT.

The current proposed Masterplan for the development is included as Figure 0.2 of the document. Should this Masterplan be revised in the future, this Figure should also be revised accordingly.

Impact of Construction – It is recommended that the applicant submits a CEMP, which could be imposed by planning condition.

Blaby District Council, Housing Strategy– Looked through the plans and was happy with the provision of affordable housing. They considered that all properties met their size criteria and have rear garden access are spread throughout the site to avoid clustering of affordable units. They also noted that they were happy with the market mix although would have liked to have seen a number of smaller two bed dwellings for sale, however given the size of the site are willing to accept the plans.

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

No additional comments were made following a re-consultation.

Blaby Parish Council – No comments to make.

Environment Agency – reviewed the “Phase 2, 3 and 4 Ground Investigations” report for this site, produced by Georisk, dated March 2020 (ref: 18039/3) and considered that it would be appropriate to apply a planning condition to the decision to safeguard against unexpected / unforeseen contamination in the event it is encountered during construction works. They also provided no new comments following a re-consultation.

Glen Parish Council – Provided the following comments:

‘It was brought to the Parish Council’s attention at the Planning & Environment Committee, held on Monday 26th February 2024, under item number PC27/0224 Public Participation, and later discussed under PC28/0224, that at least three residents in properties in the old section of New Bridge Road had had issues with flooding in their gardens which almost overtopped their domestic thresholds. Water including foul water was seen to be forcefully emitting from drainage inspection hatches in their properties during recent heavy rain events. The cause of which seems to be since new housing was added to the drainage system from properties on Navigation Drive, Lockside Close, Swan Close, and new dwellings, part of the same development, on the extended New Bridge Road.

The Council would like assurance in writing, that the already, in our opinion, wrongly approved development, and now the proposed additional 26 proposed dwellings (24/133/FUL) of the new Cork Lane development, will not be connected to current combined drainage systems, and therefore add to this issue. The Council feels strongly about this current issue, given more frequent heavy rainfall events, and would therefore strongly object to anything which would make this issue worse’.

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

Leicestershire County Council, Developer Contributions– Requests a £161,165.13 contribution towards libraries and Post 16 Education.

Leicestershire County Council, Ecology – After re-consultation provided a response of no objection and recommended two pre-commencement planning conditions for a Landscape and Ecological Management Plan (LEMP) and Construction Environment Management Plan for biodiversity (CEMP: Biodiversity). The Biodiversity Net Gains noted within the Report submitted were recommended to be suitably conditioned or included within a Section 106.

Leicestershire County Council, Forestry – The only arboricultural constraints on site would relate to the former hedge line to the western boundary, with a sufficient buffer shown to be retained between the proposed development and the hedge. In addition, I note that the hedge will be protective with appropriate barrier fencing in accordance with the tree protection plan approved in application 24/0064/DOC which covers the wider site area.

A detailed landscape scheme and maintenance plan for the establishment of new trees and other landscape elements should be provided as a condition of planning.

Leicestershire County Council, Highways –

13 February 2024 – The information submitted does not assess the impact of the development on the highway.

2 April 2024 - However we do note from correspondence from yourself previously that application reference 24/0064/DOC which is for the approval of details reserved by condition 8 (tree, shrub and hedge protection) of planning permission 15/0176/OUT has subsequently been determined and discharged. Our position with regards to this application therefore remains in accordance with our formal observations (highway reference number 2024/0133/01/H) dated 19 March 2024, albeit noting that condition 8 (tree, shrub and hedge protection) of planning permission 15/0176/OUT has subsequently been determined and discharged.

3 May 2024 – Provided a further consultation response that states that the Local Highway Authority does not consider that the application as submitted fully assesses

the highway impact of the proposed development and further information is required as set out in this response. For the following reasons:

- The layout shown on the proposed site layout drawings does not fully accord with the LHDG and is therefore, not suitable for adoption as currently proposed.
- The LHA notes that the Applicant intends to offer the internal road layout to the LHA for adoption. The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG),
- In addition, the LHA advises that the proposed connection point for the new roads will require changes to an existing technically approved S38 drawing. Should the proposed S38 be signed, a supplemental agreement to that original S38 may be required.

LCC Highways provided comments on 3 June 2024, confirming that it is acceptable to maintain the extended length for the arm of the turning head in order to facilitate refuse vehicle turning manoeuvres.

6 September 2024 – No objection subject to the imposition of planning conditions.

Leicestershire County Council, Local Lead Flood Authority (LLFA) –

13.02.2023 – Further information/consultation required.

22.05.2024 – No objection subject to the imposition of planning conditions.

Leicestershire County Council, Minerals and Waste – No response received.

Leicestershire Police – had no formal objections to make regarding the proposal and made observations and provided guidance for standards throughout the site, including street lighting, appropriate fencing, allowing for natural surveillance, security alarms etc.

NHS Leicester, Leicestershire and Rutland Integrated Care Board – Requests a £20,134.40 contribution towards healthcare facilities to meet the population increase.

Severn Trent Water – No response received.

Whetstone Parish Council – No response received.

Third Party Representations

36 Public comments have been recorded for this application, all objecting to the application. The objections were centred around the following issues:

Flooding

- Concerns of flooding to houses below the development site.
- The canal has flooded and water has run off the hill, references Beggars Lane and the Lubbesthorpe development issue.
- The Cork Lane (South west) development should not discharge surface or

- foul drainage to New Bridge Road, which is directly below this development.
- Will drainage be inadequate or cause more problems?

Land Stability and Landfill concerns

- Concerns regarding what is buried in the site and the land stability.
- Concerns of ground pollution and ground movement to houses around the site perimeter.
- Considers the land to be unsuitable.
- The land is a tip site where rubbish has been dumped, including has bottles and chemical waste, raises concerns for own health and local wildlife.
- There is insufficient evidence for the council and the developer to guarantee the safety of nearby residents from the potential disturbance of toxic substances. Notes Huncote Leisure Centre issues.
- Concerns regarding future owner of the site and methane gas. Will they also be in possession of a pack outlining the Council's responsibilities once the inevitable remediation work gets underway? Considers that there will be a compensation pay out.
- Safe mitigation of gas release from the site has not be demonstrated.
- Health and Safety risk. What provisions are in place to protect residents?

Highways Safety

- A better access could be made by the old railway line from Whetstone than by Cork Lane.
- Traffic goes onto one of the busiest roads in Leicester and the local road network cannot handle the traffic during rush hour.
- Danger to the cyclists merging at the brow of "Brickie Hill" with highway traffic.
- Note cars parking on double yellow lines near to the school.
- HGV vehicles will cause an obstruction and prevent emergency vehicles entering or leaving the site.
- There is a blind corner at the hilltop.
- There is a bus lane and pedestrian crossing at the access and there have been many traffic accidents within 100m of the junction. Nearby cycle route
- Vehicles 'stand off' on the road.
- Unsafe for there to be both building site traffic and pedestrians on the footpath.
- Contractors leave mud on the road.
- Considers that an access should be by a roadway onto Navigation Drive.
- Traffic concerns of 200 dwellings and about 300 extra cars.
- Construction traffic will be difficult to handle.
- It is difficult to pull out of Glenville Road.
- Concerns regarding land stability.
- Stress and worry about asbestos dust ingestion.

Green Space

- Destruction of greenery/green space.
- Do not consider removing verges and trees.

- We live in an area of natural outstanding beauty that should be kept this way for us all to enjoy the health and wellbeing benefits.

Wildlife

- It will destroy the wildlife habitat.
- Whilst the construction company will be installing a pond and park area, this will not be enough to justify the destruction of the area that these animals already have.

Neighbouring Amenity

- Concerns about security of gardens and notes antisocial behaviour (children throwing things at their house).
- The neighbours work from home and the noise will disturb residents with diggers and dumpers and nearby factory.
- Increased noise and air pollution,
- Loss of privacy to surrounding houses.
- Will decrease the value of house if the view is spoilt.
- Will be a visual impact of the houses from Navigation Drive.
- General safety concerns to residents of the nursing home.
- Worries of being overlooked, excessive noise from roads, houses and families.
- Considering selling due to the plans and houses.
- Concerns that when piling begins noise and disturbance will occur with damage to properties.

Local Facilities

- Concerns about schools being able to accommodate an influx of children.
- No benefits for the community.
- Doctors and dental surgeries are overrun.
- Not enough amenities for this project.

Relevant Planning History

14/0216/1/OX	Proposed residential development (max 165 dwellings) associated landscaping and public open space with vehicular access from Cork Lane (Outline)	Refused 17.10.2014 Appeal withdrawn 13.04.2015
15/0176/OUT	Proposed residential development (max 165 dwellings) associated landscaping and public open space with vehicular access from Cork Lane (Outline) (Re-submission)	Approved 23.03.2015
19/0813/RM	Proposed residential development of 165 dwellings (Reserved Matters in relation to outline permission 15/0176/OUT)	Refused 19.05.2022 Appeal allowed 04.01.2023

23/0094/DOC	Partial discharge of condition 11 (parts i, ii and iii) (scheme to deal with risks associated with contamination of the site) attached to planning permission 15/0176/OUT	Approved 03.01.2024
23/0187/DOC	Discharge of condition 13 (Construction Method Statement) attached to planning permission 15/0176/OUT	Approved 07.03.2024
23/0188/DOC	Discharge of conditions 3 (materials) 4, (foul and surface water drainage) 5 (scheme for surface water drainage) and 6 (finished ground and floor levels) attached to planning permission 15/0176/OUT	Part approved. Pending condition 6
23/0296/DOC	Application to discharge condition 13 (piling method statement) attached to appeal decision APP/T2405/W/22/3302956	Refused 07.03.2024
23/0511/NMAT	Substitution of previously approved drawing G128-BRP-00-00-DR-A-8002 for new drawing GPA003-BRP-00-ZZ-DR-A-SIT-0002-P17 Site Layout - As Proposed	Approved 03.11.2023
23/0710/NMAT	Substitution of previously approved drawing House Type Pack P19-2940_07K Dated January 2021 for new drawing G128 Cork Lane Glen Parva - HT Pack	Approved 01.08.2024
24/0064/DOC	Application for approval of details reserved by condition 8 (tree, shrub and hedge protection) of planning permission 15/0176/OUT	Approved 19.03.2024
24/0239/DOC	Application for approval of details reserved by condition 6 (finished ground and floor levels) attached to planning permission 15/0176/OUT	Approved 24.07.2024
24/0241/DOC	Application for approval of details reserved by condition 9 (biodiversity management plan) attached to appeal decision	Pending

EXPLANATORY NOTE

The Site

The application site is located in the south western part of Glen Parva. The site covers 0.89 hectares and is located within the development site boundary for outline planning permission 15/0176/OUT and reserved matters 19/0813/RM. The current application seeks to develop an area approved for soft landscaping (amenity grassland, orchard planting and native planting) under the reserved matters application.

The Local Plan Policies Map (2019) designates the site as generally being within the Settlement Boundary although the site appears to partially extend into the Green Wedges as defined by the DDPD map. The land was historically a brickworks and clay pit followed by a landfill site that ceased operation in the 1990s.

The site is bordered by development on three sides which includes residential development to the north and south and commercial development to the east. This

part of the development is located to the southwest of the Phase 1 approved under application reference 19/0813/RM. The land to the west is classed designated as Green Wedge. Works to commence the development approved by 15/076/OUT and 19/0813/RM started in Summer 2024.

The site is elevated relative to its surroundings and the southern part of the site features a steep slope dropping down to Navigation Drive. There are public rights of way along the site's northern and eastern boundaries, the latter of which also forms part of The National Cycle Network. The Grand Union Canal (also a Conservation Area) lies a short distance to the south and west, and the Glen Parva and Glen Hill Local Nature Reserved is approximately 500m to the north-west.

The Proposal

This application proposes a development of 26 dwellings, which would be an extension to the approved application of up 165 dwellings on the site, using the approved infrastructure including the access point from Cork Lane and drainage infrastructure. The scheme would be reached throughout the development by an existing approved road (adoptable road), with 10 of the new dwellings being sited directly opposite approved dwellings, the other dwellings will be set to the south of the road fronting dwellings. A further adoptable road will run from north to south of the new development area, with dwellings located off three short private drives.

The development proposes all 26 dwellings to be 2-storeys in height, with 4 x 2-bedroom units, 18 x 3-bedroom units and 4 x 4-bedroom units. The dwellings will be constructed with different fenestration details and layouts following details of 7 specification sheets (house types Hardwick, Elliot, Eveleigh, Mountford, Grainger, Kempthorne and Pembroke), which include elevations and floor plans for the different dwellings. These details and design features follow the design details of the approved larger site.

Seven out of the twenty six dwellings would be affordable housing, while the remainder will be open market housing, given approximately 27% of affordable housing within the development scheme.

The proposed development includes car parking for each dwelling with a minimum of two spaces per plot and Plot 10 having 4no. parking spaces. Plot 10 is shown with the provision of a double garage and Plot 26 having a single garage.

An area of open space is included within the scheme adjacent to Plot 24 and it is recognised that there is open space secured as part of a landscaping scheme around the red lined area of this application site and included within the larger scheme approval secured for up 165 dwellings.

Documentation

The key plans and documents are listed below which set out the development proposed:

- Proposed plans for the dwelling types: Mountford, Pembroke, Kempthorne, Hardwick, Elliot, Eveleigh, Grainger.
- Garage Plans
- Refuse Vehicle Swept Path Analysis and collection points.
- Location Plan
- Boundary Treatments- proposed
- Proposed Materials Plan
- Air Quality Assessment
- Addendum Technical Notes
- Surface Water Drainage Calculations
- Design Statement
- Planning Statement Preliminary Ecological Appraisal
- Flood Risk Assessment
- Transport Statement
- Ground Investigation Strategy and Ground Investigations (Trial Trenches and Addendum Reports)
- Remediation Phase Strategy and Validation Report
- Car Parking Schedule

Planning Policy

National Planning Policy Framework

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

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

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

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

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

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

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

There are no assets or particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the application. It is therefore necessary to assess the proposals against limb two of paragraph 11d, i.e. whether the adverse

effects of granting planning permission would *significantly* and *demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

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

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

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

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

National Planning Policy Framework (NPPF) – Consultation 2024

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

DEVELOPMENT PLAN

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

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

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

Policy CS1 – Strategy for Locating New Development

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

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

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

Policy CS2 – Design of New Development

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

Policy CS5 – Housing Distribution

Policy CS5 states that in order to focus new development in the most appropriate locations, the Council will seek to distribute housing by settlement in accordance with the table included in the policy. Development will be focussed towards the PUA and within and adjoining Blaby (the District's only settlement with a Town Centre). It gives a combined figure of 2,990 dwellings for the settlements outside the PUA. The proposed development would add significantly to the District's housing supply in a sustainable location adjoining Glen Parva.

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

Dwellings	Requirement	Total Completions & Commitments	Balance Required
PUA	5750	2596	3154
Non-PUA	2,990	3750	-760
District	8,740	6346	2394

The table above shows that the minimum housing requirements set out in the Core Strategy the PUA have not been met as of April 2023. The PUA shows a balance required of 3154. The District has a shortfall and currently can only demonstrate 3.69 5 Year Housing Land Supply at 1st April 2023, therefore there is an overall shortage. As development within the PUA is considered to be acceptable this site is considered to be an acceptable location in accordance with Policy CS5.

Policy CS7 – Affordable Housing

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

Policy CS8 – Mix of Housing

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

Policy CS10 – Transport Infrastructure

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

of street space to more sustainable forms of transport, and links to existing key services and facilities should be provided.

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

Policy CS11 – Infrastructure, Services and Facilities to support growth

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

Policy CS12 – Planning Obligations and developer contributions

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

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

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

Policy CS14 – Green Infrastructure

Policy CS14 states that Blaby District Council and its partners will seek to protect existing, and provide new, 'networks of multi-functional green spaces'.

Policy CS15 – Open space, sport and recreation

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

Policy CS16 – Green Wedges

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

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

Green Wedges will be maintained in the following general locations:

b) Between Whetstone, Blaby and Countesthorpe;

The need to retain Green Wedges will be balanced against the need to provide new development (including housing) in the most sustainable locations.

Policy CS19 – Bio-diversity and Geo-diversity

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

Policy CS20 – Historic Environment and Culture

Policy CS20 states that the Council takes a positive approach to the conservation of heritage assets and the wider historic environment through a set of criteria which includes ensuring the protection and enhancement of heritage assets and their settings, securing the viable and sustainable future of heritage assets, and promoting heritage assets in the District as tourism opportunities where appropriate.

Policy CS21 – Climate Change

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

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

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

Policy CS22 – Flood Risk Management

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

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

Policy CS23 – Waste

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

Policy CS24 – Presumption in Favour of Sustainable Development

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

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

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

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

DM1 – Development within the Settlement Boundary

This Policy seeks to support suitable development located within the boundaries of existing settlements where the proposal; would not unduly impact on neighbouring uses, is in-keeping with the character and appearance of the area, is not overdevelopment, is acceptable in layout design and external appearance; and would not prejudice the development of a wider area.

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 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.

DM8 - Local Parking & Highway Design Standards

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

DM11 – Accessible and Adaptable Homes

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

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

DM12 Designated and Non-designated Heritage Assets

All new development should seek to avoid harm to the heritage assets of the District. There are no designated heritage assets within or immediately adjoining the site. The site connects visually with the wider area through the preservation of a north-south view line within the site to St Peters Church in Whetstone. The Planning Archaeologist has advised the application warrants no further archaeological action.

DM13 – Land Contamination and Pollution

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

Blaby District Council Planning Obligations and Development Contributions Supplementary Planning Document (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.

This current document will be by 'Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (March 2024 Consultation Draft)', once adopted. The new document will set out the Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the District. The adoption of this document is being considered September 2024.

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

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

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

Leicestershire Highways Design Guide (LHDG)

The LHDG deals with highways and transportation infrastructure for new developments in areas for which Leicestershire County Council is the highway authority. The guidance is intended to be used in the design development layouts to ensure they provide safe and free movement for all road users.

Blaby Landscape and Settlement Character Assessment (January 2020)

Provides up-to-date landscape and settlement evidence to inform the emerging Blaby Local Plan and help guide development management decisions. The assessment states that *"understanding the character of a place is a key part of ensuring the*

protection and enhancement of built and natural environments, managing sustainable economic growth and improving the health and wellbeing of local communities”.

Blaby District Council Open Space Audit (December 2015)

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

Blaby Playing Pitch Strategy 2020

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

Blaby Residential Land Availability Report (March 2023)

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

Joint Strategic Flood Risk Assessment Final Report (October 2014)

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

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

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

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

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

Planning 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:

- Principle of the development and 5-year housing land supply position.
- Affordable Housing and Housing Mix
- Design Scale and Layout and Landscape and Visual Impact Open Space, Recreation and Sport
- Highways and Transport Considerations
- Flood Risk and Drainage
- Ecology and Biodiversity
- Air Quality
- Land Contamination
- Residential Amenity
- Construction Management
- Waste Management
- Sustainability and Climate Change
- Section 106 Agreement

Principle of development and 5-year housing land supply position.

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

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

As of March 31st 2023 a total of 2,596 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 552 homes per annum to be delivered in the PUA until the end of the plan period (total 3,154). Forecast completions in the PUA to 2029 are around half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period. A development of up to 26 dwellings could provide a moderate contribution towards housing need in the District.

The development site is within the application site boundary for the approved development for 165 dwellings and this area of land would have formed an area of green space, however this area of the site is not necessary for ensuring sufficient public space within the overall development site due to other designated open space

and LEAP (Local Equipped Area for Play) along with the surrounding areas of the development and areas of proposed modified grassland within the development. The overall areas of open space within the whole site exceed that expected within the overall development.

This land therefore has been allocated as part of the development and the addition of 26 further dwellings to this site, is considered acceptable subject to there being sufficient open space within the development.

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

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

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

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

Overall, the principle of the development is considered to be acceptable as the site is located generally within the settlement boundary of Glen Parva, bordering only slightly onto the Green Wedges as defined by the DDPD, which overall can be lost where there is a need to provide new development including housing. The loss of the Green Wedges to accommodate this development is minor. The development would provide some assistance in rebalancing housing delivery in the District by delivering 26 dwellings, which would be a moderate contribution to the Districts overall need. In addition, the development is located in a sustainable area and the proposed addition of 26 dwellings would be located as a small extension to an already approved development site with proposed infrastructure and drainage.

Affordable housing and housing mix

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

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

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

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

The representations from the Council's Housing Strategy team states the following ideal housing mix based upon 26 units:

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

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

The percentages are considered for this development below:

Mix	1 bed	2 bed	3 bed	4 bed	Bungalow
Market	0	2 = 10%	13 = 69%	4 = 21%	0
Affordable	0	2 = 29%	5 = 71%	0	0

The scheme is relatively small so does not provide the exact mix of suggested housing and does not include any 1-bedroom dwellings or bungalows within the scheme, however there is a relatively broad mix of accommodation across the site, which is deemed to be acceptable by BDC Housing Policy Officers. Furthermore, this development of 26 dwellings is part of a larger housing scheme that is already under construction, which provides both affordable housing and a mix of housing including single storey (bungalows), two and three storey dwellings across the site. This

development meets the required level for affordable units and provides a mix of 2-bedroom units to 4-bedroom units across the 26 dwellings proposed. When considering this development in relationship to the larger parcel of the overall site, it is considered that on balance the housing provision is acceptable and the planning judgement in this case is that the scheme provides appropriate housing.

The application proposes that 7 of the 26 dwellings would be affordable homes, a level which exceeds the 25% required by Policy CS7. The provision of the affordable housing would be secured via a legal agreement and significantly weighs in favour of the development.

The location of the affordable units within the estate have been considered in regard to approved plan under the reserved matters application reference 19/0813/RM (and provide a satisfactory arrangement which will not produce clusters of more than 6 affordable dwellings within both the current application site and the previously approved development.

In addition, the affordable dwellings have been designed to be fully in accordance with the criteria of Policy CS7 being indistinguishable from market properties in terms of their design, layout and location, meeting the internal floor space requirements, having rear gardens and adequate off street car parking.

Design Scale and Layout and Landscape and Visual Impact

As this development is a small addition to an approved larger scale scheme of 165 dwellings it is considered that any visual impacts would be minimum from the additional loop of housing on the site.

The development site would be constructed on open land, which has permission for a major development of 165 houses, the development of a further 26 dwellings would have limited impact on the character of the area, due to this larger development scheme and the location of this part of the development, which would be set away from residential dwellings. The new part of the development proposed under this application will not be visible from Westdale Avenue with it being set behind the already approved larger development and there may be limited views from Navigation Drive of the dwellings being set at a slightly higher level than this site, however the impacts are considered to be acceptable. There may be long distance views of the site, where there would be little to no visual impact of the new development because it would be viewed in conjunction with the approved development (Reference 19/0813/RM).

The design of each individual plot follows the design codes sought on the Phase 1 development for Cork Lane with elevational detailing to the elevations such as stack bonding and picture frame windows. This is noted throughout the plot types and includes features to the front and side elevation ensuring that the side elevations on corner plots are not blank. Overall, the design of the plots is considered to be acceptable. It is also recognised that the design features of the plots are incorporated across both affordable and market plots.

Impact on amenities of existing residential properties:

The proposed development is located on the edge of the existing Principal Urban Area, and so would be located in the proximity to some existing residential properties, along Navigation Drive, which is located some 50m from the development site, with number 92 and 88 Navigation Drive being located closest.

Overall, it is considered that the dwellings could be accommodated with an acceptable separation distance between existing dwellings and would not be overbearing when considering the distance and how this plot fills in an area of the redline development site approved under the outline and reserved matters application for 165 houses, this development would be no closer than that approved to dwellings along Westdale Avenue and those located off Navigation Drive to the south.

The new development is located along an approved road network within the redline site boundary and provides a separation distance between approved plots to the new development of between approximately 23m and 15.5m

Sufficient separation distance is provided between rear elevation to rear elevation of the plots proposed with a distance of between about 21m and 29m, with all gardens having a suitably sized rear garden and amenity space.

Open Space, Recreation and Sport

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

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

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

The applicants have confirmed that the development area for the whole development site (including the 26 dwellings and previously approved 165 dwellings) includes for the following open space:

- Park and Recreation – 0.19 hectare
- Equipped Play Area – 0.03 hectares
- Natural greenspace on the remaining land around the site – 3.48 hectare
- Orchard planting (community garden) – 0.19 hectare
- Informal open space – 0.59 hectare

The applicants have calculated the development as a total site and Phase 2 separately calculating the population of the development (of 165 dwellings and the total of 191 dwellings) at an average of 2.4 residents per dwelling. This is included in the applicants table below:

B	C	D	E	F
		458.4	Site Population (Both Phases)	
		62.4	Site Population (Phase 2 only)	
Typology	ha per 1000	Ph2 requirement	Ph1 & 2 Requirement	
Parks and Rec Grounds	0.23	0.01	0.11	
Natural Greenspace	2.6	0.16	1.19	
Informal	1	0.06	0.46	
Equipped play	0.06	0.00	0.03	
Allotment/community garden	0.25	0.02	0.11	
	TOTAL	0.26	1.90	

The loss of open space from the approved reserved matters application is acceptable as the overall open space within the site will meet the required standards in terms of open space. It is also recognised that some of the open space within the whole site will not be useable to the public due to the gradient of the land.

This demonstrates an overage of open spaces area being provided within the site to that required by Policy CS15 and is therefore acceptable.

Highways and Transport Considerations

Following the submission of additional information by the application the Highways Authority have advised that they do not consider that the impacts of the development on highway safety would be unacceptable subject to the imposition of conditions. LCC Highways provided the following comments on the application:

‘Site Access

Within its previous observations dated 3rd May 2024 the LHA advised that it was content with the site access proposals, which take access from the proposed internal layout associated with the permitted application reference 19/0813/REM. No changes have been made to the site access proposals and as such these are acceptable to the LHA.

Highway Safety

There have been no Personal Injury Collisions (PICs) recorded within 500m of the site within the most recent five-year period for which data is available.

Trip Generation

The LHA notes that this development proposes the intensification of use of the approved site access for application 15/0176/OUT. Anticipated vehicle trip generation is detailed within the submitted Transport Assessment (TA).

The LHA is content that the approved site access details for application 15/0176/OUT are sufficient for the intensification of use proposed for this application.

Internal Layout

The LHA notes that the Applicant intends to offer the internal road layout to the LHA for adoption. The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide (LHDG), available at <https://resources.leicestershire.gov.uk/lhdg>.

Within its previous observations dated (3rd May 2024) the LHA advised that the turning head from plots 6 – 20 was unnecessarily large and should be reduced. The Applicant has subsequently engaged with the LHA and advised that the size turning head is required to facilitate refuse vehicle movements as indicated on the submitted drawing titled 'Refuse Vehicle Swept Path Analysis' (drawing number TA01C Rev C dated 17 April 2024). This is therefore acceptable to the LHA.

Within its previous observations (dated 3rd May 2024) the LHA requested Swept Path Analysis (SPA) for the turning head outside plot 11. The LHA acknowledges that this turning head is not situated where the proposed adopted highway terminates as a through route to the north of this turning head is proposed to be available associated with the adjacent permission reference 19/0813/REM. Furthermore, the turning head dimensions are generally in accordance with Part 3, Figure DG4b and as such no further assessment is required in this circumstance.

Within its previous observations (dated 3rd May 2024) the LHA noted that the proposed Bin Collection Points (BCPs) were in excess of 5 metres from the proposed adopted highway and requested that these were revised to be within 5 metres of the proposed adopted highway or that the private drives are revised to have appropriate turning areas for refuse vehicles supported by SPA. The LHA note that the location of the BCPs have subsequently been revised to all be within 5 metres of the proposed adopted public highway as indicated on the submitted drawing titled 'Proposed Refuse Collection' (document reference C239-BRP-00-ZZ-DR-A- -0105-P03 Rev P03 dated 06 August 2024. As such, this is acceptable to the LHA.

The LHA is content that the internal layout proposed is suitable for adoption and has advised a suitably worded condition below to secure its delivery.

Informative Information – Internal Layout

- The LHA advises that the proposed connection point for the new roads will require changes to an existing technically approved S38 drawing. Should the proposed S38 be signed, a supplemental agreement to that original S38 may be required.*
- All drainage infrastructures should be in accordance with LHDG part 3, DG11.*

- *Gradients at the access must accord to table DG1, part 3, section DG2, LHDG. It must be ensured that surface water from private land/drives does not run or pool in the public highway.*
- *Where trees are proposed within or adjacent to the highway, they must not obscure visibility and root deflectors or root protection barriers will be required. For further guidance on the use of trees within the highway corridor please see LHDG, part 3, section DG12.*
- *Any isolated and/or interconnecting footpaths would not typically be considered for adoption. If they were to be offered for adoption, they may incur an additional commuted sum.*

Transport Sustainability

The LHA notes that the Applicant is proposing two metre wide footways for the extent of the internal road layout. This would tie into the footway of the wider site which provides pedestrian connectivity to Cork Lane.

The nearest bus stop from the proposed development are situated on Glenville Avenue (both directions). These are situated at an estimated 950 metres distance from the first dwelling situated within the proposed development. These stops serve the Arriva 84, 85 and X45 services.

Nevertheless, the LHA is satisfied for the Local Planning Authority to include this transport context in its wider sustainability considerations for the site'.

It is noted that the larger application for up to 165 dwellings included a condition for a Travel Pack, this was discussed with LCC highways as to its exclusion from their condition list for this application. This was discussed with highways who stated 'we therefore have to consider this quantum of development for this full application against our requirements which do not require a travel plan for a development for this scale and therefore unfortunately cannot request this from the Applicant'.

The approved Reserved Matters application proposed a footpath around this development site, which this scheme has incorporated allowing pedestrians to walk around the edge of the proposed 26 dwellings, enabling pedestrian movement around the site, which is considered acceptable.

Based on the advice provided by LCC Highways and the information submitted by the Applicant during the course of the application, it is considered that the development can be achieved without impact upon highway safety and therefore is acceptable in regard to policies CS10 and DM8 subject to the imposition of planning conditions.

Flood Risk and Drainage

Surface Water

The site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. The site is considered to be at medium risk of groundwater flooding. The applicant is required to demonstrate the site does not increase flood risk for the duration of the development in its entirety, including for the duration of the construction phase of the event.

The proposals seek to discharge to an existing public surface water sewer via a pond approved by 19/0813/RM. The Local Lead Flood Authority (LLFA) has noted that the proposed development is reliant on the drainage infrastructure from the wider site development. In their representation in March 2024 the LLFA note that Glen Parva Parish has raised concerns relating to recent flooding in New Bridge Road to the south where the proposals seek to discharge to the existing Severn Trent Water system.

Flood Risk and Drainage relating to the site was subject to the discharge of conditions application 23/0188/DOC, attached to planning permission 15/0176/OUT. Following the submission of additional information by the applicant the details for 23/0188/DOC have been approved.

The LLFA has concluded that the current application is acceptable subject to the imposition of drainage conditions.

Foul Sewage

The Flood Risk Assessment and Drainage Strategy submitted with the application states that 'Foul water from the development site as a whole will outfall to existing Severn Trent Water foul water sewer in Navigation Drive to the south of the site, with a connection to the manhole at the head of the run'. The applicant will require permission directly from Severn Trent to connect to the system.

Ecology and Biodiversity

The development site is part of a larger wider development, which is categorised by modified and neutral grassland with some mixed scrub and mature hedgerows along some of the boundaries.

The applicants have submitted a number of documents with the application, which included a grassland survey, Biodiversity Net Gain Assessment, Biodiversity Net Gain Metric, Biodiversity Survey and Report.

LCC Ecology reviewed the submission and provided the following comments:

'The Updated grassland survey produced by FPCR (August 2024) is acceptable.

- *Most of the site was identified as modified grassland in moderate condition, two areas of more species-rich other neutral grassland were identified, but these were located outside the red line boundary.*
- *No further surveys will be required.*
- *In order to avoid impact on protected species and sensitive habitats during the construction phase, a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) should be submitted and approved prior to development.*
- *As such, the below condition should be attached to any permission.*
- *The report demonstrated a significant gain in linear habitat units, but a significant loss in area habitat units.*
- *As such the applicant will need to secure off-site enhancements as stated in the BNG report.*

- *A Landscape and Ecological Management Plan (LEMP) detailing how on-site habitats will be maintained for a period of 30 years should be submitted and approved prior to development’.*

While the development was submitted prior to the introduction of mandatory BNG, the National Planning Policy Framework 2023 (paragraph 185) recommends that *“planning policies and decisions should.... identify and pursue opportunities for securing measurable net gains for biodiversity.”* The Biodiversity Net Gain Assessment results indicate that the development will lead to a loss of 3.74 habitat at units and a gain of hedgerow units at 0.38 units. The site is capable of providing sufficient landscaping and protections throughout the development which will offer the chance to offset the loss of any existing natural landscape, with a net gain in hedgerow units, however to ensure that the proposals can lead to a net gain in the overall habitat units the Applicants consider that this can be achieved via a financial contribution secured through planning obligations (s.106). LCC Ecology considered these to be acceptable measures.

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

Air Quality

The site is not located within or within the vicinity of an Air Quality Management Area. The applicants provided an updated Air Quality Assessment (May 2024) during the course of the application, which was reviewed by Blaby District Council Environmental Services Officers. The report includes a qualitative construction phase dust assessment and mitigation measures, screening of the proposed trip generation and consideration was given to the suitability of the site for the proposed end use with regard to air quality through a review of local air quality monitoring and emission sources.

The Air Quality Assessment concludes that *‘Based on the assessment results, the impact of the proposed development on local air quality was considered to be not significant. The EMAQN and Emissions Mitigation Guidance for Developers provides potential mitigation measures including electric vehicle (EV) charging points which are proposed as part of the development’.*

Environmental Services consider that the Air Quality Assessment is acceptable and that recommended mitigation measures to address dust and air quality impacts should inform the Construction Environmental Management Plan (CEMP), which could be imposed by means of planning condition.

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

Land Contamination

The development site is located on former landfill site and prior to that brickworks and claypit and any application should ensure that the development satisfactorily manages contamination and any potential risks that may arise concerning the emission of gases. This development site is included entirely within the red line of approved application 19/0813/RM, which was allowed by the Planning Inspectorate at appeal.

In her decision letter that Planning Inspector states in relation to the evidence submitted by the applicants that:

“I conclude that the proposal would not have an unacceptable effect on the public health of the future occupiers of the proposal and the occupiers of nearby residential properties by way of land contamination. As a result, it would comply with Policy DM13 of the Council’s Local Plan (Delivery) Development Plan Document (2019) (Delivery DPD) where it states that proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution can be satisfactorily mitigated, and will be supported where they are accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas, including where land is (or has the potential to be) subject to land contamination or land stability issues, amongst other considerations”.

Conditions in relation to contamination, remediation and ongoing monitoring and related liabilities and their submission to occupiers should be imposed upon any decision, as per the Inspectors decision ‘APP/T2405/W/22/3302956’.

The applicant’s supporting documents for the current application state:

“We can confirm that the proposed second phase comprising 26 No. units falls within the existing red line boundary that our previous ground investigation reports cover. On this basis, the previous recommendations made in respect of ground related issues apply to Phase 2 and further specific investigation and associated reporting is not considered necessary”.

The Environment Agency has been consulted on the application, and they provided the following comments:

‘We have reviewed the “Phase 2, 3 and 4 Ground Investigations” report for this site, produced by Georisk, dated March 2020 (ref: 18039/3).

The report refers to previous Phase 1 reports prepared by RSK for the site, and we note that a “Preliminary Geo-environmental Site Investigation” report produced by RSK (Jan 2015) is available on the planning portal for previous planning applications at this site. The RSK report identified two potential contaminant linkages posing risks to controlled waters receptors which warranted further investigation.

Paragraph 1.9 of the Georisk report confirms that it aimed to evaluate the risks posed to environmental receptors. Following several phases of ground investigation, the report rules out contaminant linkages posing risks to controlled waters as being of

concern in paragraph 9.1.1 (and associated table). Justification for this is provided in paragraphs 9.1.9 to 9.1.15 which highlight the low sensitivity of groundwater in this location and the absence of significant bodies of groundwater encountered at the site. The report ultimately concludes that the risks posed to controlled waters are low and that no further assessment is considered necessary. We have no objection to this conclusion in principle.

In making this response, we have considered the risks posed to controlled waters only. The Local Authority Environmental Health Officer must be contacted with regards to human health risks (such as those from landfill gases).'

BDC Environmental Services Officers has provided the following comments on the application:

'I note the comments from the Environment Agency dated 27th March 2024 relating to protection of controlled waters. I will confine my comments to consideration of human health risks. The condition that they recommend would also be relevant to this aspect'.

'A letter from Georisk Management, dated 19th January 2024, has been submitted with the current application. This confirms that proposed Phase II of the development falls within the area that the previous investigation reports cover. This addresses the technical aspects of the proposal. However it will be necessary to ensure that planning controls are imposed on any planning permission granted to secure appropriate remediation. This will need to be undertaken carefully, particularly as the Ground Contamination related conditions attached the planning permission for Phase 1 have only partially discharged.'

The application to discharge condition 11 of planning permission 15/0176/OUT (relating to risks associated with contamination of the site) was approved 21 March 2024 and the submitted and approved documents considered Phase I and this 'Phase II' development site within the investigation works.

Overall, the application is considered to provide sufficient information to satisfactorily ensure that any harm through the development and from site contamination can be mitigated. Therefore the development is acceptable in regard to Policy DM13 of the Council's Local Plan (Delivery) Development Plan Document (2019) (Delivery DPD) subject to the imposition of conditions for the construction phase of development through to and during occupation of the site.

Residential Amenity of future occupants

This section deals with other environmental impacts including noise and light which may impact on the proposed development.

Noise

The application has been supported by an Addendum Technical Note in relation to noise which has been reviewed by the Council's Environmental Services Team.

BDC Environmental Services reviewed the submitted information and considered that it would therefore be appropriate for the proposed dwellings of Phase II to have a similar level of protection from noise to those immediately adjacent dwellings of Phase I. This was controlled by Condition 19 on Planning Permission 15/0176/OUT.

However, it is recognised that the noise mitigation measures (upgraded glazing and ventilation) were only sought for specific plots under the application reference 19/0813/RM. There were dwellings in the approved scheme that were located in close proximity to properties (commercial and industrial) located along Wharf Way. The proposed development is set away from Wharf Way being located further to the west, therefore these noise mitigation measures are not considered necessary for the dwellings proposed.

Light

There are no nearby light sources that are thought to harmfully impact the proposed development and the development will and due to the proposed use of the site for a further 26 dwellings as an addition to an approved development is unlikely to cause harmful light spillage due to the nature of the scheme.

Construction Management

A large development proposal of this scale (when considering this as Phase 2 of a larger site development) could incur significant impacts and disruption during the construction phase. The District Council's Environmental Services team has advised that due to the environmental constraints and disturbances which are usually associated with the demolition and construction phases of a development, it is recommended that a Demolition and Construction Management Plan is submitted to and approved in writing by the District Planning Authority prior to the commencement of the operations on Phase 2, which should then be adhered to throughout the construction phase.

The Construction Management Plan shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Site compound locations;
- Storage of plant and materials used in constructing the development;
- Measures to control the emissions of dust and dirt during construction;
- Measures to control the emissions of noise during construction;
- Hours of construction and deliveries.
- Piling Method Statement

The Council is aware of a number of complaints that have arisen from the larger approved part of the development at Cork Lane. It is acknowledged that this is major development and there is a likelihood of disturbance to existing residents from construction activities. A Construction and Environmental Management Plan condition is recommended to mitigate against the issues raised from noise, dust and disturbance.

Waste Management

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

Sustainability and Climate Change

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

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

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

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

Section 106 Agreement

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision through planning obligations.

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

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

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

As mentioned above, this current document will be by 'Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (March 2024 Consultation Draft)', once adopted, which is expected to occur September 2024.

Education

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

Health Care

The NHS has requested a financial contribution which will be secured via the Section 106 agreement, this would be to develop alternative Primary/Community healthcare infrastructure that would be directly impacted by the housing development of 26 dwellings.

Libraries

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

Waste

LCC has requested a contribution towards the nearest waste collection facility at Whetstone based on the additional site pressures due to the proposed 26 dwellings and would contribute towards its development or any increased capacity requirements.

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

Overall Planning Balance and Conclusion

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

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

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

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

The provision of 26 houses and the associated social, economic and environmental benefits, including provision of affordable housing, are identified benefits of the development. A clear benefit of the proposal which weighs in favour of the proposal is its contribution towards local housing land supply including within the next 5 years. Significant weight is attributed to the delivery of 50 affordable homes given the identified affordable housing needs within the district as outlined in the Housing and Economic Needs Assessment (HENA) published in 2022.

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

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

24/0693/FUL

**Registered Date
3 September 2024**

Blaby District Council

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

Depot, Enderby Road, Whetstone,

**Report Author: Joel Archer, Planning Technician
Contact Details: Council Offices. Tel: 0116 2727726**

RECOMMENDATION:

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

1. 3 year time limit.
2. Approved plans.
3. Materials as per approved plans.

NOTES TO COMMITTEE

Relevant Planning Policy

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

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS6 - Employment

Policy CS21 – Climate change

Policy CS24 – Presumption in favour of sustainable development

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

Policy SA5 – Key Employment Sites and Other Existing Employment Sites

Policy DM1 – Development within Settlement Boundaries

Policy DM8 – Local Parking and Highway Design Standards

National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF) 2024 (consultation)

National Planning Practice Guidance

Consultation Summary

The consultation period expires on 27th September 2024 and there will be an update at Planning Committee on any responses which are received after this report is finalised.

Blaby District Council, Environmental Services - No objection

Whetstone Parish Council - No comments received

Network Rail - No comments received

Representations

None received.

Relevant Planning History

14/1120/1/PX	Erection of two buildings to form District Council operational and vehicle maintenance depot including administration offices, vehicle storage, servicing facilities and associated works	Approved 8.5.15
16/0387/VAR	Variation of condition 9 attached to planning permission 14/1120/1/PX to amend approved plans	Approved 12.5.16
16/0408/DOC	Discharge of conditions 1, 2, 4, 5, 7, 9, 11 and 12 attached to planning permission 16/0387/VAR	Approved 29.7.16
24/0596/PT14J	Proposed PV solar panels to be installed on the south facing roofs of the Warehouse, storage and offices building	Pending consideration

EXPLANATORY NOTE

The Site

The Depot is located within Enderby Road Industrial Estate to the northwest of Whetstone and is accessed from the B582 Enderby Road. The site is within the Settlement Boundaries of Whetstone (as shown on the Local Plan Policies Map). The Leicester to Birmingham trainline runs to the south of the site and is bordered by industrial units and the green wedge which separates Enderby, Narborough, Whetstone and Glen Parva.

The Proposal

The application is for the erection of permanent edge protection, walkways and CAT ladders to be fitted to the three buildings located on the site. The proposal is required in association with the maintenance of the proposed photovoltaic (PV) solar panels

submitted under prior approval application, 24/0596/PT14J. The solar panels are 'permitted development' but are subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. As this is not an application for planning permission however, this will be dealt with under delegated powers.

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.

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

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, comprising the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. Outside of the PUA, development will be focused within and adjoining Blaby and the settlements of Enderby, Narborough, Whetstone and Countesthorpe (the 'Larger Central Villages').

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 CS6 – Employment

Policy CS6 states that the Council will work with partners to ensure that the District has a range of employment opportunities to meet the needs of its residents and wider communities, allowing for growth of existing businesses and for inward investment. Among other measures, the policy seeks to protect key employment sites.

Policy CS21 – Climate Change

Policy CS21 supports development which mitigates and adapts to climate change. It refers to focussing new development in the most sustainable locations, seeking site layout and sustainable design principles which reduce energy demand and increase efficiency, encouraging the use of renewable, low carbon and decentralised energy, and minimising vulnerability and providing resilience to climate change.

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)

Policy SA5 – Key Employment Sites and Other Existing Employment Sites

Policy SA5 seeks to protect Key Employment Sites for employment uses within (the former) use class B1 and use classes B2 and B8 unless certain criteria are demonstrated. It lists the Key Employment Sites in the District which includes the Enderby Road Industrial Estate.

Policy DM1 – Development within the settlement boundaries

Policy DM1 seeks to support suitable development located within the boundaries of existing settlements where the proposal:

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

Planning Considerations:

- The principle of the development
- Design and appearance
- The impact on nearby uses
- Sustainability and climate change

Principle of development

The proposed development is located on a Key Employment Site where existing employment uses are to be protected from non-employment development. Whetstone is categorised in Policy CS1 as a 'Larger Central Village' which is one of the locations where development is to be focused (outside of the Principal Urban Area). The application site is also located inside the Whetstone settlement boundary (as shown on the Local Plan Policies Map).

Policy CS6 supports the growth of existing businesses. The application would allow for the solar photovoltaic panels to be maintained regularly and would help the Depot to convert solar energy into electricity through the associated prior approval application for the installation of solar panels.

The development is therefore considered to be acceptable in principle and would accord with Policies CS1 and CS6 of the Core Strategy and Policy SA5 of the Delivery DPD.

The design and appearance and impact on the character of the area

The application proposes the installation of permanent edge protection, walkways and CAT ladders on the Office Building, Vehicle Depot and Workshop Building.

Currently, the Depot is comprised of modern industrial units and a car parking area. With the proposed permanent edge protection being situated on the roof of the three buildings, it will be visible from the site frontage.

However, as the site is located within Enderby Road Industrial Estate, an established industrial area, and with a train line being situated to the south of the site separating it from residential areas or the main public vantage points, it is not considered that the proposed development on the roof areas of the existing buildings would have a

detrimental impact on the character and appearance of the area as it will be viewed in the context of the adjacent built development and be of a similar size and scale.

The impact on nearby uses

The proposed building will be located on an existing large key employment site and therefore will have little impact on surrounding land uses. The closest buildings to the site are located on the land to the west of the site and is approximately around 33 metres to the nearest office buildings.

The proposed edge protection on the three building roofs could cause some minor additional overshadowing of land to the south and west of the site. However, with the closest buildings from the proposal being over 30 metres from the application site it is considered that any overshadowing will be extremely limited.

The Council's Environmental Services team has been consulted and made no objections to the application.

Sustainability and climate change

The proposed development is required in association with the safe maintenance of the solar panels proposed in the Prior Approval application submitted with reference 24/0596/PT14J. Although not linked to renewable energy generation itself, the development is therefore required to support the safe maintenance of the proposed solar photovoltaic panels which will convert solar energy into electricity, helping the Council to reduce its reliance on electricity generated from other sources including fossil fuels and working towards future net zero carbon targets, and therefore meets the support as stated in Policy CS21.

Overall Planning Balance and Conclusion

In summary, the application proposes a new permanent edge protection and CAT ladders required for the maintenance of the solar photovoltaic panels which are being dealt with under another application. It is considered that the additional works are in keeping with the design and scale of the other buildings on site, and although it is likely visible from outside the site, it would be viewed in the context of the existing industrial buildings and would not be detrimental to the character and appearance of area. The proposal is not considered to cause additional detrimental impact to the neighbouring industrial units.

Overall, the application is considered to accord with the relevant policies of the Development Plan referred to in this report and it is recommended that planning permission is granted.
