

**Blaby District Council**  
**Planning Committee**

**Date of Meeting**      **28 November 2024**  
**Title of Report**      **Applications for Determination**  
**Report Author**      Group Manager – Planning & Strategic Growth

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

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

**2. Recommendation**

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

**3. Matters to consider**

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **18 November 2024** and information on representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

<b>3.2</b>	<b>Application No.</b>	<b>Page No.</b>	<b>Address</b>	<b>Recommendation</b>
	<b>23/1072/OUT</b>	<b>11</b>	<b>Land South of Orchard Lea Close, Cooks Lane, Sapcote</b>	<b>APPROVE</b>
	<b>24/0001/OUT</b>	<b>36</b>	<b>Land East of Willoughby Road, Countesthorpe</b>	<b>APPROVE</b>
	<b>24/0483/FUL</b>	<b>115</b>	<b>Oaklands, Hinckley Road, Leicester Forest West</b>	<b>APPROVE</b>
	<b>24/0511/OUT</b>	<b>140</b>	<b>Land North of Leicester Road, Sapcote</b>	<b>APPROVE</b>

### **3.3 Appropriate Consultations**

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal: [Search for Applications – Blaby District Council](#)

### **3.4 Resource Implications**

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

### **4. Other options considered**

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

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

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

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

Kristy Ingles  
[planning@blaby.gov.uk](mailto:planning@blaby.gov.uk)

Development Services Manager  
0116 272 7705

**23/1072/OUT**

**Registered Date  
14 December 2023**

**Mr C Jolley**

**Outline planning application for residential development of up to 5 self-build dwellings (all matters reserved)**

**Land South of Orchard Lea Close, Cooks Lane, Sapcote**

**Report Author: Maria Philpott, Senior Planning Officer (Consultant)**

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

**RECOMMENDATION:**

**THAT APPLICATION 23/1072/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:**

- To secure the plots for self-build or custom dwellings

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

1. 3-year condition for submission of reserved matters and expiry date 2-years after approval of the reserved matters.
2. Reserved Matters details to be submitted.
3. In accordance with approved plans (excluding indicative site plan).
4. Maximum number of dwellings not to exceed five dwellings.
5. To accord with the "Design Guidance" by Thorne Architects with the exception of chimneys and number of car parking spaces.
6. Appearance, Scale and Layout to also comply with the following specific parameters:
  - Dwellings to be set back at least 20m from the dwellings on Orchard Lea Close
  - No dwelling shall be more than 2 storey in height (with attic rooms)
  - Any properties to use stone, should use locally sourced stone
  - All dwellings to have at least three car parking spaces.
7. Access and visibility details to be submitted as part of reserved matters application to accord with approved Visibility Extents Plan.
8. Programme of archaeological investigation to be undertaken, informed by a written scheme of investigation, to be submitted and agreed.
9. Foul water drainage scheme to be submitted.
10. Surface water drainage scheme to be submitted.
11. Details of surface water management on site during construction to be submitted and agreed.
12. Finish floor levels to be submitted.
13. Prior to commencement of construction a Construction Method Statement to be submitted, agreed and subsequently implemented.
14. Prior to the commencement of development, an Ecological Mitigation & Enhancement Strategy (EMES) to be submitted, agreed and implemented

15. Details of any proposed street lighting and individual plot lighting to be submitted and agreed.
16. Landscaping scheme to be implemented.
17. No dwelling to be first occupied until vehicular visibility splays have been provided.
18. During the construction there should be no clearance of vegetation by burning or disposal of other materials by burning.
19. Removal of permitted development rights for extensions

## **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 CS10 – Transport infrastructure  
Policy CS18 – Countryside  
Policy CS19 – Biodiversity and geodiversity  
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 DM2 – Development in the Countryside  
Policy DM8 – Local Parking and Highway Design Standards  
Policy DM10 – Self and Custom Build Housing  
Policy DM12 – Designated and Non-Designated Heritage Assets

#### **Fosse Villages Neighbourhood Plan**

Policy FV4 – Biodiversity  
Policy FV6 – Design  
Policy FV7 – Housing provision  
Policy FV8 – Windfall housing

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

#### **National Planning Policy Framework (NPPF) 2024 (consultation)**

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

## **Other Supporting Documents**

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

**Leicestershire Highways Design Guide**

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

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

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

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

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

## **Consultation Summary**

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

15.01.2024 – No objection subject to conditions relating to foul and surface water drainage and Construction Management Statement. During the construction there should be no clearance of vegetation by burning or disposal of other materials by burning owing to the proximity of neighbouring sensitive receptors.

06.06.2024 – No further comments to make.

### **Blaby District Council, Neighbourhood Services (Waste) –**

17.01.2024 - no bin presentation/collection points shown and the access does not seem adequate for our vehicles.

07.10.2024 – guidance given on refuse collection requirements [Officer comment: No comments were made on the collection point shown on the indicative plan therefore this was raised with the department and further comments given below].

10.10.2024 – Have reviewed the revised bin collection point and have no further objections.

### **Leicestershire County Council, Archaeology –**

08.02.2024 – The application site lies in an area of extant ridge and furrow which has been relatively undisturbed since the late 19<sup>th</sup> century and appears to remain well-preserved. It is therefore recommended that prior to the impact of development upon the identified heritage asset, the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. Therefore, recommend a condition is imposed for a Written Scheme of Investigation to be obtained and

submitted for approval before the implementation of the archaeological programme and in advance of the start of the development.

19.06.2024 – Refer to previous comments.

#### **Leicestershire County Council, Ecology –**

23.01.2024 – Objection. Within Great Crested Newt (GCN) buffer zone due to the close proximity to water bodies and existing records. No Preliminary Ecological Appraisal (PEA) has been submitted.

20.03.2024 – Objection. The submitted PEA is acceptable but the recommendations in the report require further additional protected species and habitat surveys to be submitted prior to the determination of the application and therefore holding objection still stands.

17.06.2024 – Objection. The GCN eDNA Survey report regarding Great Crested Newts has confirmed that there will be no risk to this species as a result of the proposals and that precautionary measures should be adopted instead of further survey effort. The original PEA also made a recommendation for further additional botanical surveys at the site to be submitted therefore holding objection remains until this information has been provided.

16.10.2024 – Objection. Require further information regarding the specialist ecologist's competence in conducting the Botanical Survey

30.10.2024 – No objections subject to conditions relating to the submission of an Ecological Mitigation and Enhancement Strategy (EMES) to be submitted in line with the key elements of the PEA and GCN eDNA Survey Report

#### **Leicestershire County Council, Highways –**

18.01.2024 – Further information required. Whilst access is not to be considered under this application, the principle of a safe and suitable access remains a material consideration. The existing access currently serves 5 dwellings which would double to 10 dwelling under the proposed development. The existing access accords with the Design Guide however concerned that the pedestrian and visibility splays to the west is constrained by a wire-mesh fence intervening the site and the Public Right of Way. Suitable pedestrian and vehicular visibility splays should therefore be shown in accordance with the guidance. As the internal layout of the site is not to be considered at this stage, the LHA has not considered the indicative layouts.

27.03.2024 – No objection. The visibility splays demonstrated are considered to be acceptable and will not cause an unacceptable impact to highway safety. A plan detailing the access arrangements should be submitted as part of a future reserved matters application which should also accord with the Design Guide. The Visibility Extents drawing should also be submitted for any future reserved matters application.

04.06.2024 – Objection. The proposal has been amended to show a permeable paved bin collection point outside the red line boundary and within the definitive live of the

Public Right of Way. This would obstruct the PROW which would be unacceptable and the location should be reconsidered.

17.10.2024 – No objection. The bin collection point has been removed and the proposal is therefore acceptable in highway safety terms.

**Ramblers Association** – No comments received.

### **Sapcote Parish Council**

*“Sapcote Parish Council object to this application for the following reasons.*

*This proposed development lies outside the village development boundary as detailed in the Fosse Villages Neighbourhood Plan made by Blaby District Council on 15.6.2021. This development is for five dwellings and we would be concerned that this would set a precedent.*

*In addition, we would make the following points.:*

*Whilst the layout is only indicative at this stage, it is poor urban design practice for front elevations to face onto rear gardens. The description doesn't specify whether they will be single storey dwellings. If they are two-storey, there will be an over-looking impact.*

*It could have harmful impact on the residential amenity of the adjoining neighbours. The development would introduce noise and general disturbance associated with residential and vehicular activity to the rear of their properties, where it previously didn't occur.*

*The access is too narrow for cars to pass each other, which increases the likelihood of vehicles performing reversing manoeuvres onto the public highway. It is in close proximity to the school, where vehicular movements are less predictable during peak times.*

*Again, although only indicative, the plans show six parking spaces in a row. Parking shouldn't dominate the appearance of a development. The applicant should consider other options for parking.*

*It is too far for residents to move their bins for collection, so the access road would have to be of an adoptable standard, allowing refuse vehicles access to the site. Currently, we believe the surface is gravel and it would likely take a lot of work to ensure it is up to adoptable standard.*

*There has been no assessment of the biodiversity of the site. There are records of protected species within proximity, so the development could affect the habitats of ecologically important species. ODPM regulations require this to be addressed prior to determination of the application.”*

## **Third Party Representations**

10 letters of objection received which are summarised below:

### **Principle objections**

- The site is outside the village boundary;
- The land is green belt land and where previously no permission could be given for 10-25 years as part of the plan for the village [*Officer comment: There is no Green Belt land in Blaby and the site is also not in the Green Wedge*];
- Due to recent developments, there is now a very defined building line and this proposal would breach further beyond it;
- The site is not included in the Local Plan for Blaby;
- Other mobile home and storage containers at the site are unauthorised;
- The application for self builds should be carefully considered and recent successful appeals should not be a reason for this application to be accepted;
- Self builds have already been granted close to Sapcote garden centre for numerous self-build properties [*Officer comment: This relates to the development at Strawberry Cottage which was for 8 self-build dwellings*];
- Site plan does not show the 3 new dwellings being constructed at the back of the barn;
- Will set a precedent for more development on the land;
- Contrary to policy as outside settlement confines and will cause detriment to the countryside;
- The application is lacking in information in order for the LPA to properly assess the proposals - namely there is no assessment of views from public viewpoints, no assessment of the historic environment, no consideration of pedestrian and vehicular access and no ecology survey.

### **Traffic objections**

- Increase in traffic on unadopted road;
- Traffic impact to the school;
- Limited visibility;
- Access road is unadopted, narrow and without a footpath;
- The entrance gravel driveway will need to be widened;
- Concerned for the safety of children walking along the access road with construction vehicles and then extra household vehicles – pavements will be needed and these are not shown on the plans;

### **Amenity, Environment and Other objections**

- Limited space for waste collection;
- Long distance for bins to be left for collection;
- Overlooking to houses to north of the proposed site;
- Increase in noise and light and obstruction of view of houses to north;
- The site can be seen from a public footpath and will be visible from the B4114 and Sharnford Road
- There is a power line across the site that is not shown on the plans;



- The primary school is at capacity;
- Increase in noise and disturbance at the site;
- Impact on wildlife and the landscape;
- Impact on quality of life;
- Reducing the farmland available to be worked;

### **Relevant History**

There is no previous planning history on the application site, but there have been a number on the adjacent sites as follows:

#### **Land adjacent to The Stables:**

21/0499/OUT – Outline application for the erection of a single, two-storey detached, dwelling with associated vehicle access, parking, and outdoor amenity space (Access, Layout and Scale to be determined - all other matters reserved) – Allowed on appeal (dated 18<sup>th</sup> June 2024).

24/0781/RM – Reserved matters approval for appearance and landscaping (the reserved matters) pursuant to outline permission 21/0499/OUT for erection of one dwelling - Approved

#### **Land to rear of Church View House (Swallows Barn and Swift House):**

14/0595/1/OX – Erection of two dwellings (outline) – Approved

15/1540/RM – Erection of two dwellings (reserved matters) - Approved

#### **Orchard Lea Close (to rear of 20 Cooks Lane):**

13/0550/1/OX – Residential development of six dwellings – Approved

14/0525/1/PX – Demolition of existing barn and erection of 7 dwellings - Approved

#### **Land at the Barn:**

16/1318/OUT – Erection of 3 dwellings and conversion of existing dwelling into 2 units, parking and access – Approved

20/0509/OUT – Erection of 3 dwellings and conversion of existing dwelling into 2 units, parking and access – Approved

21/0915/FUL – Erection of 3 dwellings - Approved

#### **Land to rear of Church View House:**

19/1619/FUL – Erection of two dwellings with associated access – Approved.

## Church View House:

04/0200/1/OX – Residential development - Approved

05/0823/1/MX – Erection of one dwelling – Approved

## **EXPLANATORY NOTE**

### **The Site**

The application site comprises an area of land located to the south of Orchard Lea Close and accessed via a long drive to the west of Orchard Lea Close from Cooks Lane which extends west and east along the southern boundary of the village. The application site is located at the end of the access drive where it terminates to the east. There are some stables at the other end of the access drive to the west.

A new dwelling has also been granted planning permission adjacent to the stables in place of a former mobile home. There are three new dwellings to the immediate east of the access road and three further new dwellings to the north of the access road (rear of the barn) accessed directly from Cooks Lane. There are two further new dwellings that are located at the end of the access barn (Swallows Barn and Swift House). In total, there are currently five dwellings utilising the access driveway with the sixth an extant permission (The Stables). A further new residential development of seven dwellings has been built to the north of the application site (Orchard Lea Close).

The application site itself occupies one corner of a large, grassed field and is bordered by the new housing and the access driveway to the north and open fields on the remaining three sides.

The site lies outside the settlement boundary and is therefore in an area defined in the Local Plan Core Strategy as Countryside. Ridge and furrow is present on the application site and there is a public right of way that runs adjacent to the access from Cooks Lane, around the stables and leading out of the village to the south. There are three Grade II listed buildings (one being the Church of All Saints) on Cooks Lane although there are other residential properties between these and the application site. To the west of the site are some local wildlife sites and the site lies in a Great Crested Newt buffer zone.

The application site lies in or is affected by the following constraints:

- In open Countryside, outside the settlement boundary;
- Ridge and furrow within the red line site boundary;
- There is a public right of way (V27) that runs adjacent to part of the proposed access;
- There are three Grade II listed buildings (South View Farmhouse, Burrough's Almshouses and the Church of All Saints) which are located on Cooks Lane;
- There are local wildlife sites located to the west of the site (not immediately adjoining);
- The site is within a Great Crested Newt buffer zone;

## **The Proposal**

The proposal seeks outline planning consent for the erection of up to five self-build dwellings on the site. All matters are reserved for future consideration. An indicative layout plan has been submitted to show how five dwellings could be accommodated at the site. As the proposal is in outline form the internal layout of the site is not to be considered as part of this application and the size of each individual plot and precise number of dwellings could change from that shown on the indicative site plan.

The indicative plan shows five detached dwellings on the site positioned in a row. The indicative plan shows how they could be orientated with a frontage to the north and facing the rear of properties on Orchard Lea Close. Each dwelling is shown to have car parking to the front (at least 3 spaces) and a good sized rear garden.

## **Supporting Documents**

The application has been submitted with the following supporting documents:

- Design and Access Statement;
- Preliminary Ecological Appraisal;
- Preliminary Roost Assessment Report;
- Great Crested Newt eDNA Survey Report;
- Botanical Survey;
- Native hedgerow planting mix and maintenance plan;
- A document entitled “Design Guidance” by the Architect’s Thorne Architecture showing the vision and setting certain parameters for the site;
- Ministerial Statements and appeal decisions relating to self-build dwellings

## **Planning Policy**

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 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 3.53 year housing land supply (as of 1 April 2024). This is notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF. 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.

As a consequence of the lack of housing land supply, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless there are any assets of particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the application or any 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. Therefore, sustainable development should be approved 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 70 of the NPPF states that local planning authorities should seek opportunities to support small sites to come forward for community-led development

for housing and self-build and custom-build housing.

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.

### **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, 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'). Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives. Sapcote falls within the Medium Central Villages which also includes Littlethorpe, Huncote, Cosby and Croft.

#### **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. Sappcote falls within the Medium Central Villages which also includes Littlethorpe, Huncote, Cosby and Croft and there is a combined requirement in this area to provide at least 815 dwellings over the plan period.

#### Policy CS10 – Transport infrastructure

Policy CS10 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 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 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 – Biodiversity and geodiversity

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 supports development which mitigates and adapts to climate change. It refers to focusing 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 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. Among other measures the policy refers to managing surface water run-off to minimise the net increase in the amount of surface water discharged into the public sewer system.

### Policy CS23 - Waste

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

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

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

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

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

### 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 DM8 – Local Parking and Highway Design Standards

Policy DM8 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.

#### DM10 – Self and custom build housing

Policy DM10 states that proposals for self and custom build housing will be supported in suitable locations. Consideration needs to be given to whether the site is a suitable location in accordance with the policies of the development plan.

#### DM12 – Designated and non-designated heritage assets

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

### **Fosse Villages Neighbourhood Plan**

#### Policy FV4 - Biodiversity

Policy FV4 states that new development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and treelines) to support biodiversity.

#### Policy FV6 - Design

Policy FV6 states that development that reflects the distinctive and traditional character of the Fosse Villages as described in the Settlement Statements or contextually appropriate innovative design will be supported. Development proposals must also A) be in keeping with the scale, form and character of its surroundings; B) protect locally significant features such as traditional walls, hedgerows and trees; C) not adversely affect residential amenity; D) promote sustainable design and E) provide safe and suitable access.

#### Policy FV7 – Housing Provision

The Fosse Villages Neighbourhood Plan has set out minimum housing requirements for certain villages in the plan area. Policy FV7: Housing Provision shows that the



housing requirement for Sapcote is 415 dwellings to be provided between 2006 and 2029. This figure will be met by existing commitments and development within the Limits to Built Development in accordance with Policy FV8. The figure of 415 dwellings is a minimum figure.

#### Policy FV8 – Windfall Housing

Policy FV8: Windfall Housing says that proposals for housing development within the Limits to Built Development of named settlements will be supported. The site is located outside of the Limit to Built Development of Sapcote and so is in the Countryside. Policy FV8 continues to state that:

“Outside the Limits to Built Development, Areas of Separation and Green Wedges, support for proposals for housing development will be limited to:

- A. The re-use and adaptation of redundant rural buildings in the most sustainable locations, assessed against the need to retain Countryside;
- B. Small scale housing in the most sustainable locations, assessed against the need to retain the Countryside;
- C. Replacement dwellings of a similar scale and with no greater impact on the Countryside than the existing dwelling;
- D. Dwellings to meet an essential need associated with small-scale employment and leisure development subject to the consideration of its impact;
- E. Dwellings to meet the essential need for a rural worker to live permanently at or near their place of work in the Countryside; and
- F. Rural Exception Sites.”

#### **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 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”*.

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

- The principle of the development and the 5-year housing land supply position;
- Self-Build Housing;
- Impact on the character and appearance of the area and countryside setting
- Highway Safety and Parking
- Residential amenity
- Ecology and biodiversity net gain
- Drainage and flood risk
- Impact on heritage assets; and
- Waste.

## **The 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 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 2024 a total of 2,826 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 585 homes per annum to be delivered in the PUA until the end of the plan period (total 2,924). Forecast completions in the PUA to 2029 are mainly less than 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 2024 3,942 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 133 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.

Sapcote is defined in Policy CS5 of the Core Strategy as a “Medium Central Village” along with other villages (Littlethorpe, Huncote, Cosby and Croft). As a “Medium Central Village”, Sapcote is considered to contain only a limited range of key services and facilities with limited employment opportunities within the settlement and has an infrequent bus service. The village has a significant number of planning commitments and the Strategic Housing Land Availability Assessment (which formed part of the evidence based for the current Core Strategy) considered that Sapcote had significant potential for residential development in the long term.

The Council’s Residential Land Availability Report (2024) highlights that as of 31<sup>st</sup> March 2024, the Medium Central Villages (of which Sapcote is one), has exceed its minimum requirement of dwellings through completions and permission by 319 dwellings. Sapcote has taken the bulk of the minimum 815 dwelling requirement for the Medium Central Villages (622 dwellings) so far in the plan period. It is recognised that releasing this site would result in the minimum requirement for the Medium Central Villages in Policy CS5 being further exceeded. However, given the shortfall in the PUA, the proposed development is considered to provide the potential to deliver a small number of additional homes in the period up to 2029.

The site is designed as Countryside on the policies map of the Delivery DPD and not allocated for housing development and in this context and regard the application is contrary to the adopted Development Plan. Policy CS18 of the Local Plan Core Strategy is relevant which states that planning permission will not be granted for built development or other development which would have a significantly adverse effect on the appearance or character of the landscape. 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 3.53-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'.

Despite Sapcote being considered in the Core Strategy to have a limited range of key services and facilities, a recent appeal decision (ref: 21/0499/OUT, dated 18<sup>th</sup> June 2024) is relevant. This related to the site adjacent to the stables which is adjacent to the application site. In the decision, the Inspector concluded that Sapcote was a sustainable location for new development and is accessible to Stoney Stanton (considered in the Core Strategy to be the largest and best served village in the south of the District of Blaby). Although this proposal was only for one dwelling and each case is judged on its merits, given this is a very recent view by an Inspector for an adjacent site in the village, it is considered relevant to the consideration of this application and should be given some weight. This view of the Inspector, together with the additional housing that has also been granted in the village in recent years, including the site at Strawberry Cottage which is also outside the settlement boundary, it is considered that Sapcote is a sustainable location for this scale of new development.

The Fosse Villages Neighbourhood Plan is also part of the Development Plan for Blaby District and within this Plan, the application site is also shown as being outside the "Limits to Built up Area" for which Policy FV8 applies. Policy FV8 states that windfall sites for housing outside the "Limits to Built Development" will be limited to a number of scenarios including small scale housing in the most sustainable (emphasis added) locations and assessed against the need to retain the Countryside.

Therefore, subject to other material considerations set out below, particularly in terms of the impact of the proposal on the appearance or character of the landscape (Core Strategy Policy CS18) and the need to retain the Countryside (Neighbourhood Plan Policy FV8), the proposal is in a sustainable location and will contribute positively to the housing shortfall in the District. The presumption in favour of sustainable development as set out in Core Strategy Policy CS24 and the NPPF Para. 11d applies.

### **Self-Build Housing**

As the planning application form indicates that the application is for five self-build dwellings, consideration needs to be given to government legislation on Self-build and Custom Housebuilding. This comprises: Self-build and Custom Housebuilding Act, 2015 (as amended by the Housing and Planning Act 2016); Self-build and Custom Housebuilding Regulations, 2016; and, Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations, 2016.

The Council is required by law to keep a register of individuals and associations of individuals (two or more people who wish to acquire a serviced plot of land to accommodate more than one self-build home) who are seeking to acquire serviced plots of land in the District in order to build their own homes. A serviced plot of land is defined as land that either has access to a public highway and has connections for electricity, water and wastewater, or in the opinion of a relevant authority, can be provided with access to those things within the duration of a development permission granted in relation to that land.

There is a duty placed on the Council to have regard to the demand for self-build and custom housebuilding within the District when carrying out the Council's planning, housing, land disposal and regeneration functions. Government guidance states that the Council should consider the evidence of demand for self-build and custom housebuilding in their area from the Register when making a decision on a planning application.

The Council is also required to grant enough planning permissions to meet the demand on their Register. At the time of writing this report, in Medium Central Villages planning permission has been granted for eight serviced plots, also in Sapcote at Strawberry Cottage (ref: 23/0845/OUT) and two in Littlethorpe (ref: 24/0202/OUT).

There is demand on the register for 108 self or custom building dwellings across the whole of Blaby District. A number of those on the register would like anywhere in the District but 26 specifically mention Sapcote or surrounding areas.

In the regulations there are no penalties for not granting enough planning permissions to meet the demand identified on the Council's Self-build Register. This may be in recognition that there are various ways to support self-build and custom housebuilding in Council's administrative areas including developing policies in the Local Plan (as the Council has done so through the provision of Policy DM10 of the Local Plan Delivery DPD) and seeking opportunities to use their own land (if available and suitable) for self-build and custom housebuilding.

While the location of the application site within Countryside is generally not considered to be a suitable location for self-build and custom housebuilding due to being outside the settlement boundary, it is clear when considering the development against Paragraph 11d) of the National Planning Policy Framework (as is the case now in this application) that the impacts of the development now need to be significantly adverse and demonstrably outweigh the benefits. When applying the tilted balance to this proposed development, it is considered that the provision of five self and custom build houses now carry significant weight in favour of the proposal subject to other material considerations that are discussed in the following sub-headings.

### **The Impact on the Character of the Area and Countryside Setting**

In accordance with Policy CS18 of the Local Plan Core Strategy and Policy FV8 of the Neighbourhood Plan, consideration will need to be given to the impact of the proposal on the appearance or character of the landscape and the need to retain the Countryside and whether this would have significant adverse effects to outweigh the benefits and warrant a refusal of the application.

The application site is located on greenfield land to the south of an existing well defined edge of the village. It will be visible from the Sharnford Road to the east and the B4114 to the south as well as being visible from the public right of way (V27) which leads out of the village to the south from Cooks Lane and across to the site from the west. Policy FV8 of the Neighbourhood Plan requires proposals for small scale housing outside the Limits to Built Development to be accompanied by a landscape and sustainability impact assessment. A document of this nature has not been submitted with the application, however given that the Neighbourhood Plan is currently considered out of date due to the lack of a housing land supply, the submission of the document would be desirable but refusal could not be sustained due to its absence. It is acknowledged that the proposal will be visible from wider countryside views and will cause an element of harm to the open countryside, particularly with the creation of a new arbitrary boundary in the existing field.

Sapcote is located in the “Stoney Stanton Rolling Farmland Landscape Character Area” (LCA) in the Blaby Landscape and Settlement Character Assessment 2020. The landform is considered to be “very gently rolling” with land use predominantly arable agriculture with some grazing and pony paddocks and former quarry activity that now provides water-based activities. Views tend to be long and open due to the low hedgerows and absence of mature vegetation but development is said to be a frequent feature within the views. The Blaby District Landscape Characterisation Assessment Study considers the Stoney Stanton Rolling Farmland LCA has a low sensitivity to 2-3 storey residential buildings.

Whilst the proposal will create an arbitrary encroachment of development beyond the well-defined edge of the built-up area of Sapcote representing visual intrusion in the Countryside, it is not considered that this could be said to be significant to outweigh the benefits of providing additional self-build housing and contributing to the Council's land supply.

The development would be subject to further applications to address reserved matters, therefore details regarding design, scale, layout and landscaping can be addressed at a later stage and can ensure that the resulting dwellings are in keeping with the village.

Notwithstanding the assessment of more details in reserved matters applications, this application has been submitted with a “Design Guidance” document by the architects which sets out the vision for the site and some parameters to ensure some consistency between each of the proposed plots. Some of the pertinent and more specific parameters are set out below:

- Materials to be red brick, stone, timber and metal (traditional and innovative)\*;
- Roofing materials to complement design of each dwelling;
- False chimneys not to be constructed\*;
- Side windows should be placed carefully to avoid overlooking;
- Windows to relate to the proportions of the overall design and be of high thermal performance;
- External doors to be thermally efficient and secure;
- Garages and outbuildings can be integral or detached;

- All houses to have high levels of thermal insulation and heat retention and high energy efficiency;
- Each plot to have a front and rear garden;
- No dwellings are to be positioned within 2 metres of any side plot boundary to ensure a sense of separation;
- The built form (dwelling, garage footprints and hard surfaced areas) shall not exceed 60% of the plot;
- Variations in terms of scale will be encouraged;
- Front gardens to be green (lawn, shrubbery, tree planting);
- No hard boundary treatment to the front shall exceed 1.2m in height;
- Each plot to provide a minimum of one semi-mature tree to be planted within three months of occupation;
- Boundaries to adjacent plots shall be constructed in brick or be planted and maintained native hedgerows;
- New hedges to be 1.5m high maximum;
- Each plot to provide a garage (single or double) and at least two off road parking spaces\*;
- Parking areas should be partially screened;
- External storage for bikes, refuse and recycling shall not be located to the front of dwellings or within 5m of the public highway and landscaping shall be used to enhance these buildings;
- Garden sheds will be permitted\*;

Officers in general do not have concerns with the parameters set out above, with the exception of those points marked with an asterisk. The materials stipulated will be in keeping, however, if stone is to be used, this should be locally sourced stone. It is not considered necessary to exclude the use of false chimneys as these do have a place, especially in traditional design and construction and they add interest to roofscapes. Therefore, it is not considered that the use of false chimneys should be expressed excluded from the design of the dwellings at reserved matters stage.

The “Design Guidance” states that the dwellings will be encouraged to be of varying heights and sizes and positions on the plot to avoid uniformity. Whilst this is agreed with in principle it is considered that in the interest of visual and residential amenity, none of the dwellings should be more than 2.5 storeys in height (2 storeys with rooms in the attic by way of dormers or roof lights). There should also be a minimum of 20m separation distance between the existing dwellings to the north on Orchard Lea Close and those to the rear of the Barn.

Garden sheds would be permitted development and given the size of the site and likely individual plots, it is not considered reasonable to remove permitted development rights for sheds/outbuildings in this instance. Whilst the scheme would back onto open countryside, the proposal will incorporate landscaping such that it is not considered reasonable to restrict permitted development rights in this respect on visual amenity grounds. It is however considered reasonable to restrict extensions to the dwelling to ensure that they do not become excessive given their location in the Countryside.

In assessing the impact on the character and appearance of the village, consideration has been given to the Sapcote Settlement Statement in the Neighbourhood Plan. This

considers that there is a mixed architectural style in the village with no single defining character. It is noted that there are no tall buildings in the village greater than 2 storeys except for important buildings like the Church and Chapel. Red brick is also stated as a typical building material. The above parameters which will be incorporated into the proposed planning conditions take account of these features of the village and will ensure that the reserved matters approvals will be in keeping.

As a result, the proposal is not considered to significantly or demonstrably adversely affect the character or appearance of the landscape or the village and the proposal would comply with Policies CS2 and CS18 of the Blaby Local Plan Core Strategy Development Plan Document and FV6 and FV8 of the Blaby Local Plan (Delivery) Development Plan Document, together with policy DM2 of the Local Plan (Delivery).

### **Highway Safety and Parking**

The application proposes to utilise the existing private access to serve the development and this will continue to be a private access and will not be adopted. The Local Highway Authority have commented on the application and have not raised any objection to the use of this access and a private drive.

Additional visibility splay information was provided in order to ensure that there is sufficient pedestrian and vehicular visibility at the site and the Local Highway Authority are now satisfied with this information and that there will be a safe access to the site.

The Design Guidance by the applicant sets out that there should be two car parking spaces for each dwelling. However, this does not comply with the Leicestershire Highways Design Guide which requires four-bedroom dwellings to have three spaces (three spaces are shown on the amended indicative site plan). Although the size and number of bedrooms of each dwelling is not proposed at this stage, given the size of the plot and the size of the dwellings shown on the indicative plan, it is reasonable to conclude that the dwellings will each be at least 4 bedrooms and therefore three parking spaces should be provided as shown on the indicative plan. Officers are satisfied that there is sufficient space for three spaces to be provided for each dwelling and so this requirement can form a further condition of the parameters of the outline permission to guide the reserved matters going forward.

As such, the proposal is considered to be in accordance with Policy CS10 of the Blaby Local Plan Core Strategy Development Plan Document and Policy DM8 of the Blaby Local Plan (Delivery) Development Plan Document.

### **Residential Amenity**

The indicative plan shows housing could be located in a row to the south of existing housing in Orchard Lea Close which backs onto the open countryside. This would result in the front of dwellings facing the rear of existing dwellings. In planning terms these are both principal elevations. However, there is a separation distance of at least 20m from the rear of the existing properties on Orchard Lea Close to the front elevation of the dwellings as shown on the indicative plan. Whilst this plan is subject to change as part of reserved matters approval, the site is big enough to ensure suitable separation distances remain.



As part of the design parameters for the self-build plots it is considered reasonable that a condition is imposed that the dwellings are located in an arrangement that ensures there is at least a 20m separation.

As layout and appearance are reserved for future consideration, no further assessment can be made in terms of the impact to residential amenity at this time. Whilst the resident's objections regarding noise and disturbance are noted, the proposed for new residential development is a compatible neighbouring use and will not in itself cause any impacts in terms of noise and disturbance to existing occupiers. Suitable conditions will be imposed regarding construction work at the site.

As a result, the proposal is considered to be in accordance with Policy CS2 of the Blaby Local Plan Core Strategy Development Plan Document and Policy DM2 of the Blaby Local Plan (Delivery) Development Plan Document.

### **Ecology and Biodiversity Net Gain**

This application was submitted prior to the introduction of the Biodiversity Net Gain requirements that came in in February 2024, and so this application is not required to demonstrate a biodiversity net gain in this instance.

In terms of Ecology, the application was updated to provide a Preliminary Ecological Appraisal (PEA). The PEA required further survey work in terms of Great Crested Newts due to the presence of ponds near the site and also a Botanical Survey to assess the site for the presence or absence of lowland meadow. These additional reports were submitted and the GCN survey concluded that there was no risk to this species and precautionary measures were recommended. The Botanical Survey concluded that there was no presence of lowland meadow habitats.

The Council's Ecologist has assessed all the reports and considered them to be acceptable subject to a condition being imposed for an Ecological Mitigation and Enhancement Strategy (EMES) to be submitted in line with the key elements of the PEA and GCN eDNA Survey Report.

As a result, the proposal is considered to be in accordance with Policy CS2 and CS19 of the Blaby Local Plan Core Strategy Development Plan Document and Policy DM2 of the Blaby Local Plan (Delivery) Development Plan Document and Policy FV4 of the Fosse Villages Neighbourhood Plan.

### **Drainage and Flood Risk**

The application site is located in Flood Zone 1 which is a low risk of flooding from rivers. It is also not within an area known for critical surface water drainage issues. As a result, the proposal is not considered to be at risk of flooding or surface water flooding.

Conditions will be imposed for a foul and surface water drainage strategy to be submitted to the Council as requested by the Council's Environmental Services Team.

With these conditions imposed, the proposal will accord with Policies CS21 and CS22 of the Blaby Local Plan Core Strategy Development Plan Document.

### **Impact on Heritage Assets**

There are three Grade II listed buildings along Cooks Lane that could be affected by the proposed development, namely Church of All Saints, Burrough's Almshouses and South View Farm House. However, each of these are separated from the application site by other residential development and in particular recent housing developments. As such, it is not considered that the principle of providing residential development on this site would cause any harm to the setting of these heritage assets. However, at detailed reserved matters stage, more consideration will need to be given to the design, roofscapes and use of materials to ensure that the setting of this edge of village location does not cause any significant harm to the setting of the listed buildings.

The application site lies in an area of extant ridge and furrow which has been relatively undisturbed since the late 19<sup>th</sup> century and appears to remain well-preserved. The Council's Archaeology Advisor recommends that prior to the commencement of the development upon the identified heritage asset, the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. Therefore, a condition is imposed for a Written Scheme of Investigation to be obtained and submitted for approval before the implementation of the archaeological programme and in advance of the start of the development.

As a result of this assessment and with the relevant conditions imposed regarding reserved matters details and the programme of archaeological work, the proposal at this outline stage accords with Policies CS2 and CS20 of the Blaby Local Plan Core Strategy Development Plan Document, Policy DM12 of the Blaby Local Plan (Delivery) Development Plan Document and Policy FV6 of the Fosse Villages Neighbourhood Plan.

### **Waste Arrangements**

The location and block plan drawing submitted with the application shows that bin storage will be located just inside the site entrance on the west hand side. This is the location of the existing bin storage location area which is provided with an area of hardstanding. It is proposed that this hard standing would be increased in sized on this verge in order to cater for the proposed dwellings.

Whilst comments from residents regarding the waste location are noted, the proposal would result in the same situation as currently existing for other properties along this access, two of which are located a similar distance along the access as the proposal (Swallows Barn and Swift House). As such, it is not considered that the length of the access from the proposed dwellings to the bin collection point is unacceptable and the Neighbourhood Services department have been consulted on the application and they have responded with no objections to the proposal.

As a result, the proposal is considered to be in accordance with Policy CS23 of the Blaby Local Plan Core Strategy Development Plan Document, Policy DM2 of the Blaby

## Overall Planning Balance and Conclusion

In summary, the application proposes the erection of five self-build dwellings located in the Countryside which is contrary to the policies in the Development Plan as set out in this report. However, the Council is currently unable to demonstrate a 5-year housing land supply across the District, and as a result the tilted balance applies to this case as set out in Para. 11d) of the NPPF. The tilted balance requires the presumption in favour of sustainable development to apply, unless there are areas or assets of particular importance that provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposal seeks consent for self-build units for which there is a need within the District and the provision of five additional dwellings will contribute positively, albeit by only a small amount, to the Council's housing land supply figures. Both of these factors weigh in favour of the proposal.

The proposal will result in the encroachment of development beyond the settlement boundary into the Countryside in an arbitrary fashion that will adversely affect the existing well defined edge of the village and will result in new views towards this part of the village with development seen as creeping into the open countryside. That said, the development will be read against a backdrop of other existing and recently built residential development. Whilst there is a policy drive to retain the Countryside as much as possible, there are no particular sensitive constraints affecting this area of land. It is affected by ridge and furrow but it is commonplace that this is not a constraint to development. As a result, the proposal is a finely balanced case against the need to retain the countryside in the context of the lack of a five-year housing land supply and the provision of self-build units. Officers have reached the conclusion that the proposal, on balance, should be granted as it is considered that the reasons for not approving are not significant enough as guided by Para. 11d) of the NPPF.

Officers have fully considered the application against local and national policy and guidance and against all relevant material considerations. The proposal will not cause any harm to the character and appearance of the landscape, highway safety, residential amenities, ecology, drainage/flooding, waste or heritage assets which cannot be mitigated through the use of suitable planning conditions. As a result, any harm does not significantly and demonstrably outweigh the benefits of the proposed development.

Based on the above considerations, it is considered that the proposal is acceptable in planning terms and therefore the recommendation is to **APPROVE** the application subject to the imposition of conditions and signing of a Unilateral Undertaking or other Agreement under Section 106 to secure the dwellings as self-build units.

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**24/0001/OUT**

**Registered Date  
2 January 2024**

**Davidsons Developments Limited,  
Leicester Diocesan Board**

**Outline planning application for the development of up to 185 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 (subject to meeting the CIL tests)
- 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
- Recycling and refuse contribution (wheeled bins)
- 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 185
6. Dwellings to not exceed two and a half storeys in height
7. Landscaping scheme to be implemented.

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

## **NOTES TO COMMITTEE**

### **Update**

This outline planning application was previously considered by the Planning Committee on 3<sup>rd</sup> October 2024 and was deferred for the following reason:

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

Since the 3<sup>rd</sup> October 2024, the application has been amended with the maximum number of dwellings reduced from 205 to 185 and the following revised plans being submitted:

- Masterplan
- Illustrative Layout
- Density Plan
- Open Space Typologies Plan

The total site area remains at 7.87 hectares with the net developable area being 5.29 hectares (increased slightly from 5.03 hectares), being 67% of the site. The density of development has decreased from 39 dwellings per hectare to 35 dwellings per hectare.

In relation to the concern about foul water drainage and the capacity of the foul sewerage system, it is noted that Severn Trent Water did not respond to the original consultation. Any improvements or upgrades which are required to the foul water drainage network as a result of the development would fall to Severn Trent Water to carry out. However, Officers have been in correspondence with Severn Trent Water to clarify whether they wish to respond to the planning application, and Members will be updated further at the Planning Committee meeting.

### **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 Document (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.

Revised response – awaited

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

Revised response - awaited

**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

Revised response - awaited

**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.

Revised response - awaited

**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.

Revised response – Requests a contribution of £143,264.00 to provide the required GP facilities to meet the population increase from the development.

**Severn Trent Water** – response awaited.

**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 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 185 dwellings (reduced from 205 dwellings in the original application as submitted), with all matters reserved apart from the means of access. In terms of the amount of development, it is anticipated that circa 5.29 hectares of the site can be utilised to deliver new housing, with circa 2.58 hectares accommodating open space and surface water attenuation areas, amount to circa 67% and 33% 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 185 dwellings can be accommodated across the site, equating to a density of approximately 23.5 dwellings per hectare when taking into account the entire site, or 35 dwellings per hectare when taking into account the developable area, 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 (revised)
- Illustrative Layout Plan (revised)
- Density Plan
- Drainage Strategy Plan
- Topographical Survey
- Tree Constraints Plan
- Biodiversity Net Gain Baseline Plans
- Proposed Biodiversity Net Gain Plans
- Open Space Typologies Plan (revised).

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 November 2024. 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 3.53 year housing land supply, as of 1 April 2024 (down from 3.69 years as of 1 April 2023). This is notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF.

As a consequence, 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:

- d) The development is in keeping with the appearance and character of the existing landscape, development form and buildings;
- e) 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;
- f) 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 (2024)**

This new Supplementary Planning Document (SPD) has been adopted following a meeting of Full Council on 24<sup>th</sup> September and replaces the 2010 SPD. The new SPD supports the implementation of policies in the Local Plan (Core Strategy and Delivery DPD) in relation to planning obligations and infrastructure requirements arising from development.

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

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

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

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

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

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

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

## **Blaby Playing Pitch Strategy 2020**

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

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

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

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

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

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

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

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

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

#### **Material Considerations:**

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

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

- The principle of the development and 5 year housing land supply position
- Impact on the countryside and landscape/visual impact
- Affordable housing and housing mix
- Design and layout
- Transport and highway implications
- Flood risk and drainage
- Residential Amenities
- Developer contributions and infrastructure/ facilities
- Open Space, sport and recreation
- 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 31<sup>st</sup> 2024 a total of 2,826 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 585 homes per annum to be delivered in the PUA until the end of the plan period (total 2,924). Forecast completions in the PUA to 2029 are mainly less than 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 31<sup>st</sup> March 2024 3,942 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 133 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). The decision for 23/1071/OUT was issued on 30 October 2024.

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, 605 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 now 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 3.53-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 355 dwellings to Countesthorpe's housing numbers, which together with the 82 already built over the minimum requirement would total 437 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 (47 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 assessment will be revised to reflect the reduction in the overall number of dwellings. 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 (as now revised to reduce the number of dwellings to 185) 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 through the

site, passing a smaller 'village green' area 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 (33% of the site), the total area of the site being developed equates to 5.29 hectares (67% of the site). The density of the proposed development therefore equates to approximately 35 dwellings per hectare, although the exact densities will differ across the site. As a result of the reduction in the number of dwellings, the amount of open space has decreased slightly (as the open space requirement would be reduced). However, the density of the development has also reduced from 39 to 35 dwellings per hectare. This means that the dwellings themselves will be spatially distributed across the site, with more generously sized plots. The open space provision is discussed later in the report.

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 density of 35 dwellings per hectare is considered by Officers to be much more suitable for the site. Whilst the adjacent Lord Close development has a very low density of 11.2 dwellings per hectare, 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. 35 dwellings per hectare is, however, considered appropriate for a new development which also provides for a good amount of open space and makes effective use of the land available. It is also comparable with the recently approved development on Land off Leicester Road and Foston Road, Countesthorpe, which had a density of approximately 34 dwellings per hectare.

## **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. It is noted that following a reduction in the maximum number of dwellings by 20, this figure is now likely to represent an overestimate.

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 seconds. 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 has been amended with the proposed allotments being relocated on the site so an access road could potentially be provided in future to the east without affecting the allotment provision. A serviced road to the eastern boundary 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.

#### Fluvial and surface water flood risk

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.

Although neither the Environment Agency nor the LLFA have objected to the development on flood risk grounds, the NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at higher risk. Paragraph 173 of the NPPF sets out that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where specific criteria are met.

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

Recent case law has raised some uncertainty with regards to the application of the sequential test and how this should be used in relation to surface water flood risk. The Court of Appeal in *Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities* (2024) and *Substation Action Save East Suffolk Ltd v Secretary of State for Energy, Security and Net Zero* (2024) held that whether a sequential test is applied in such circumstances is a matter for the decision maker to be taken in light of all evidence (including responses from the Environment Agency and LLFA and avoiding flood risk through the location of development within the site and other forms of flood risk mitigation which may be secured by conditions). However, the High Court in the case of *Mead Realisations Ltd and Redrow Homes Ltd v Secretary of State for Levelling Up, Housing and Communities* (2024) held that the Planning Practice Guidance has the same legal status as the NPPF and that the sequential test should be undertaken on sites that are at risk of flooding from any source, even if a site-specific Flood Risk Assessment concludes that there is low risk of flooding due to existing flood defences or proposed mitigation measures. It is noted that the Mead/Redrow case has been challenged and will be heard in the Court of Appeal and therefore there remains uncertainty with regards to the application of the sequential test.

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

It is noted that in this application, no dwellings are proposed in the area at high risk of surface water flooding based on the illustrative masterplan. The applicant has also indicated that the Drainage Strategy has been devised in a way to ensure that there is no risk of flooding to sensitive developments, including the dwellings, and that any flood risk mitigation can be addressed through the imposition of conditions (such as condition 12 which requires the surface water drainage scheme to be submitted and agreed, and condition 14 which requires the details of surface water drainage during construction to be agreed). As such, Officers are of the view that there are sufficient

controls to ensure that any surface water flood risk is adequately addressed and mitigated.

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.

### Surface water drainage

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 4,020m<sup>3</sup> 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.

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.

### Foul drainage

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.

Further information was requested by Members at the previous Planning Committee meeting on 3<sup>rd</sup> October 2024 in relation to the capacity of the foul sewerage system in the locality. Correspondence between Severn Trent and the applicant's drainage consultants was referred to in the meeting. This letter was within Appendix C of the Utilities Assessment, submitted by the applicant with the application documents in January 2024.. The letter referred to Severn Trent having previously assessed the development site for 110 dwellings, with foul drainage connecting via a pump discharge to the combined sewer along Willoughby Road. It stated that results concluded a high risk of pollution to the downstream Combined Sewer Overflow. Severn Trent noted an increase in the number of dwellings and that further assessment and modelling would be required.

Following the previous committee meeting, the applicant's drainage consultant has liaised with Severn Trent. Severn Trent has indicated that the modelling exercise would be for the benefit of Severn Trent Water, to indicate the impact the development will have on the network, and to highlight if Severn Trent would be required to carry out any improvements within the network, both the receiving network and further downstream including any downstream pump stations or treatment works.

Severn Trent has indicated that any issues highlighted are for Severn Trent to investigate further and then decide if changes to their infrastructure is required.

Severn Trent Water did not respond to the original consultation from the Council but has been reconsulted since the previous committee meeting. The Planning Practice Guidance states that the timescales for works to be carried out by the sewerage company do not always fit with development needs and in such cases local planning authorities will want to consider how new development can be phased, for example so it is not occupied until necessary improvements to the public sewage system have been carried out.

Your officers have liaised with Severn Trent Water to clarify whether they wish to comment or recommend the imposition of additional conditions. A response is awaited and Members will be updated at the committee meeting.

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 and layout plan show 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**

Based on the previous 205 dwellings proposed, the development would yield 62 primary ages children, 41 secondary aged children, 2 SEND children and 17.42 early years children. A request for contributions was made by the County Council, which took into account deficits or surpluses in existing provision, and so £385,476.00 was sought for primary education, £115,719.29 for SEND education, and £319,761.52 for early years. No contribution was required for secondary education on the basis of an existing surplus of places.

Following the reduction in the number of dwellings from 205 to 185, the County Council has been consulted and the figures will be amended accordingly to reflect the corresponding reduction in the likely number of school age children.

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 was sought to provide improvements to the library and its facilities on the basis of a 205 dwelling development. This figure will be adjusted following the County Council's response for the 185 dwelling development.

### Waste contribution

A contribution of £4,893.35 was sought for the 205 dwelling development 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. This figure will be adjusted following the County Council's response for the 185 dwelling development.

### Health Care

Having responded to the reconsultation for the 185 dwelling development, the Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £143,264.00 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 requested a contribution of £25,790 for the 205 dwelling development 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. This figure will be adjusted following the Police's response for the 185 dwelling development.

However, the applicant does not consider the request from Leicestershire Police for contributions to be compliant with Regulation 122 of the Community Infrastructure Regulations 2010 (the CIL Regulations) (i.e. 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).

Officers are engaging with Leicestershire Police and the applicant in respect of this contribution and should the Police provide further information to demonstrate the request would comply with the CIL Regulations before the Section 106 Agreement has

been completed, this could be included. It is therefore recommended that the final decision on the contribution to Leicestershire Police be delegated to officers.

### 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. Following discussions, a response is awaited from Severn Trent Water, as referred to in the 'Flood Risk and Drainage' section of the report.

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 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 2.488 hectares of public 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 or cemeteries are proposed on the site.

<b>Type of open space</b>	<b>Amount per 1000 population in ha (Delivery DPD figures)</b>	<b>Amount for 205 dwellings (492 population) in ha</b>	<b>Amount for 185 dwellings (444 population) in ha</b>	<b>Actual Provision in ha</b>
Parks and Recreation	0.23	0.113	0.102	0.113
Natural Greenspace	2.6	1.279	1.154	1.611
Informal Open space	1.0	0.492	0.444	0.601
Children and Young	0.06	0.030	0.027	0.04

People's Open space				
Allotments and Community Gardens	0.25	0.123	0.111	0.123
<b>TOTAL</b>		<b>2.14</b>	<b>1.931</b>	<b>2.488</b>

The overall amount of open space proposed exceeds the requirement of 1.931 hectares for those open space typologies being provided for on site. The open space will also include areas which may require specific maintenance or limited public access for Biodiversity Net Gain (BNG) purposes. 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 was sought in relation to the 205 dwelling development and it was 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 was 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. The contribution figure will be adjusted following the Health and Leisure team's response for the 185 dwelling development.

### *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 0.093 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 444 people to 8,527 people. With the increased population, the existing cemetery open space provision would still be 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.

### Waste Collection

The new Planning Obligations and Developer Contributions SPD 2024 makes provision for developments of over 10 dwellings to provide contributions for suitable facilities for recycling and waste collection, for example wheelie bins. It states that to cover the cost of bins for recycling and refuse £49.00 per household will be sought on all major schemes. This amounts to £8,918 for the 185 dwelling development. This obligation is now included in the recommendation but was not previously included in the recommendation for the 3<sup>rd</sup> October Planning Committee as the new SPD was adopted after the publication of the agenda for that committee.

## **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. It is noted that this metric was submitted prior to the amendments to the application which reduced the number of dwellings from 205 to 185.

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 1<sup>st</sup> 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 3.53-year housing land supply. The NPPF, which is a material consideration in decision making, requires that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites

cannot be identified then the provisions of paragraph 11 of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

The proposed development would provide up to 185 dwellings, of which 25% would be 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 185 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 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. 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.

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**Appendix 1 – Countesthorpe Parish Council consultation response**  
**16 February 2024**

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

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

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

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

**Housing Supply in Local Plan**

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

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

*The Parish Council notes that any shortfall in housing in the current 5-year plan is predominantly resulting from a slowing of the 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 10<sup>th</sup> May 2024.**

*Firstly, it is disappointing that the Parish Council is being asked on the basis the criteria of the existing Blaby District Council Planning Obligations' Policy and not on the draft Policy which does 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 25<sup>th</sup> June 2024*

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

- *Zebra/Pelican crossing on Foston Road in the vicinity of the garden centre and I additionally at some point on Leicester Road/Wigston*



*Street. The Parish Council is aware that the District Council will need to liaise with Leicestershire County Council on this matter. This would be to allow safe pedestrian access for both those living within any new development, or existing residents wishing to access that area, including the garden centre, should the Foston Road Development be approved. As an alternative, the option for traffic lights at the Foston Road/Leicester Road junction which would include pedestrian crossing points.*

- Improvements to Willoughby Road Playing Fields, including enhancement of accessibility with improved parking facilities, disabled access, pedestrian access around the park itself and an enclosed/fenced play area with items of equipment. Should the Willoughby Road application go ahead, there would be increased use of the playing fields facility. Your previous comments with regard to the District Council's Health and Leisure Team making recommendations, the Parish Council would ask if it could be clarified how they will be assessing need, and if necessary be consulted on any proposals.*
- The Parish Council would ask for clarification on what Leicestershire County Council is proposing that would respond to increased traffic and parking around the Greenfield Primary School as you refer to sustainable transport measures. The Parish Council has previously asked for parking restriction bollards to be placed on the pavement opposite the school.*
- Any future enhancements to the existing Cemetery areas in terms of memorial walls, planting, etc, as per previous applications that the Parish Council has submitted for s106 funding.*
- Connectivity to enable the Parish Council to install festive lighting, to create a community spirit and make the centre of the village a welcoming place including for any potential new residents.*
- Contribution towards installing a fenced pathway across the Dale Acre park to provide a separation of the play areas from dog walkers*

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

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

- Recommendation to liaison with the local Scout and Guide Groups to discuss their needs to accommodate improvements to their facilities. It is understood that the Scout Group has already been in contact with the District Council with regard to whether they would be considered for s106 Funding with regard to their Scout Hut.*
- The flexibility to improve play areas, meeting points for older children/teenagers, accessible play equipment. You mention that new play equipment would be provided within the new development itself. To reiterate our previous comments, the Parish Council would wish to see that the equipment is installed within a reasonable time of the start of any development, and that it be enforced by the District Council. It is noted that previous applications, such as at Lord Close, the proposed play equipment has not come to fruition.*

- *Offset of open space to allow for sporting activities. You mention that the District Council's Health and Leisure Team will be making recommendations in relation to sports facilities. The Parish Council would be appreciative of being consulted on this in due course.*

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

- *A pavilion for Willoughby Road (not progressed)*
  - *A MUGA (was successful in a s106 application and installed)*
  - *2 pieces of play equipment for Leysland Park (a successful application was made for expanding the Leysland Play Area and this is not installed)*
  - *2 pieces of play equipment in Dale Acre (a successful application was made and additional equipment was installed, including outdoor Gym equipment)*
  - *Fencing and improvements to Willoughby Road Playing Field Car Park (the Parish Council has funded the fencing itself).*
  - *Additional benches for open spaces (successful application submitted for a picnic bench at Willoughby Road Playing Fields.*  
*Thank you again for consulting the Parish Council.*
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**24/0483/FUL**

**Registered Date  
14 June 2024**

**Mr A Lowe**

**Change of use from agricultural land to leisure use, erection of 10no. holiday lodges, proposed new access and internal track, installation of pedestrian & cycle infrastructure, programme of off-site highway improvements, and enhanced landscaping**

**Oaklands Hinckley Road Leicester Forest West**

**Report Author: Charlene Hurd,  
Development Services Team Leader  
Contact Details: Council Offices. Tel: 0116 2503101**

**RECOMMENDATION:**

**THAT APPLICATION 24/0483/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:**

- **BNG Monitoring contributions – District and County Councils**

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

1. 3-year time limit condition.
2. Approved plans.
3. Details of materials to be provided.
4. Use to be restricted to 10 holiday lodges only in accordance with the submitted plans.
5. No other camping or camping vehicles to be used on the site.
6. Lodges to only be used as holiday accommodation and not to be occupied as a person's sole or main place of residence. No individual shall occupy the site for no more than 28-days per year and a log book is to be kept.
7. Foul drainage details to be submitted and implemented with a plan for maintenance thereafter.
8. Landscaping management plan to be submitted.
9. Details of access track to be submitted.
10. Hard landscaping plan to be submitted.
11. Landscaping and planting scheme to be maintained for at least 30-years.
12. Construction Environment Management Plan (CEMP) to be submitted and agreed and adhered to for biodiversity.
13. The Arboricultural Impact Assessment (tree protection measures) are to be adhered to.
14. Written Scheme of Investigation (WSI) for Archaeology required and to take place.
15. Details of EV charging points to be submitted.
16. Construction Traffic Management Plan to be submitted and adhered to.
17. Access arrangements to be implemented in full.

18. Visibility splays to be provided and maintained at 0.6metres above footway/verge/highway.
19. Parking and turning facilities to be provided and maintained.
20. No external lighting to be installed without permission.
21. Waste collection strategy to be submitted and adhered to.
22. Contamination Report to be carried out and adhered to.
23. Reporting of unexpected contamination.
24. No further hardstanding or boundary treatment shall be installed without permission.

## **NOTES TO COMMITTEE**

This application has been brought before the Planning Committee at the request of Cllr. M. Wright under the Member call-in procedure. The reasons given are as follows;

*“My reason(s) are concerns regarding the proposed highway access onto Peckleton Lane, Leicester Forest West and then onto the A47. There is a Traffic Regulation Order dated 2003 which legally allows agricultural vehicles to turn left into Peckleton Lane from the A47. Which they do on a regular basis. This may be in conflict to proposals and raises safety issue.”*

### **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 CS10 – Transport Infrastructure  
Policy CS18 - Countryside  
Policy CS19 – Bio-diversity and geo-diversity  
Policy CS20 – Historic environment and Culture  
Policy CS21 – Climate change  
Policy CS24 – Presumption in favour of sustainable development

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

Policy DM2 – Development in the Countryside  
Policy DM8 – Local Parking and Highway Design Standards  
Policy DM9 – A47 High Load Route  
Policy DM12 – Designated and Non-designated Heritage Assets

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

Policy FV4 – Biodiversity  
Policy FV6 - Design

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

#### **National Planning Policy Framework (NPPF) 2024 (consultation)**

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

### **Other Supporting Documents**

#### **Leicestershire Highways Design Guide**

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

#### **Blaby District Plan 2024-2028**

#### **Blaby District Tourism Growth Plan 2020-2025**

### **Consultations**

**Blaby District Council, Environmental Services** – Have no objections subject to the imposition of conditions relating land contamination, the disposal of sewerage (foul drainage system) and imposition of planning controls to ensure the site is restricted.

**Blaby District Council, Principal Planning and Conservation Officer** - Provided advice on the proposed development noting that *“Whilst the lodges are low in scale and have a small footprint, it is likely that the existing woodland and trees which would enclose the site would largely screen it from view. However, the proposal would lead to the erosion of the previously spacious, tree-lined grounds to the west of Oaklands, which currently makes a positive contribution to its rural setting. I think it would be hard to argue that the relatively tight-grain, semi-circular arrangement of the lodges and their verandas, bin store, the provision of additional areas of hard-standing and roadways, extra vehicles (transient and stationary) and ornamental planting/landscaping will be conducive to preserving this setting, including the area’s attractive, open countryside character”*.

**Environment Agency** – Were not consulted on this application, however provided no objection to the previous application (22/0112/FUL - withdrawn), with informative comments regarding water supply, wastewater and water quality.

**Hinckley and Bosworth Borough Council** – Referred to the previously withdrawn application. Subject to the LHA having no objections to this revised proposal had no further comments to make.

**Leicestershire County Council, Archaeology** – Has commented as follows and recommend that any planning permission be granted subject to planning conditions:

*“The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies in an area of archaeological interest. We welcome the submission of a revised desk-based assessment (ULAS DBA Report Number: 2024-032) and are generally supportive of its findings which identifies a moderate potential for archaeological remains dating to the prehistoric and Roman periods. The site appears to have suffered relatively little disturbance, consequently there is a likelihood that any buried archaeological remains present will be well-preserved.*

*In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).*

*While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.”*

**Leicestershire County Council, Ecology** – Had no objection in earlier consultation responses. Provided updated comments following the alteration of the proposed cycle path and had no objection to the application subject to the imposition of conditions:

*‘The change in the cycle path route and Arboriculture Assessment report (October 2024) has been viewed and is acceptable. It is worth highlighting the Arboriculture Assessment report has included the new proposed cycle path. The report states T29 has been identified as high quality (Category A) and installation of the footpath is to be supervised by an appointed ACoW. Therefore, the method statement is acceptable. With respect to the protection of tree T29 it is recommended that the tree officer is consulted’.*

**Leicestershire County Council, Forestry** – confirm that previous comments raised are still relevant and that with regard to the tree element of this application, the proposals submitted by the applicant are reasonable and can be appropriately mitigated by following the tree protection measures outlined in the submitted Arboricultural Impact Assessment.

**Leicestershire County Council Highways** – were consulted on the application several times and provided responses dated:

July 2024 – Further information required;

- Did not consider that the information submitted fully considered the impacts on the highway noting a single span structure in the vicinity of the site, needing to be shown on the plans. Comments were made on the kerb lines and proposed cycleway. A topographical survey was requested with a long section to show visibility splays. An updated drawing was sought to demonstrate that a fire tender can use the access. The LHA reviewed the contents of the RSA1, and the Designer’s Responses and they are accepted. LHA was satisfied that based on the low level of trips and the fact they are likely to be outside of peak hours, the site access would operate within capacity in both the AM and PM peak hours.
- The Automatic Traffic Count data provided as part of the TA shows that several vehicles are travelling routinely on Peckleton Lane (northwest bound direction) in contrary to the ‘No Entry’ from the A47. The LHA does not believe the proposed lining improvements will stop the vehicles intentionally travelling against the ‘No Entry’ and this may be further exacerbated once the

development is occupied and would increase the likelihood of head on collisions.

- Reviewed the Personal Injury Collision (PIC).

September 2024 – Further information required;

- Did not consider that the information submitted fully considered the impacts on the highway.
- The LHA feels that the proposals are incomplete and do not fully support or encourage cycling to and from the development and requested provision for cyclists travelling north.
- The swept path drawings required a note confirming the vehicle speed.
- the LHA do not feel that either physical kerbs or the proposed hatch marking should be implemented at this location as this is likely to create a safety issue with the potential for head on vehicle collisions.

October 2024 - No objection subject to the imposition of conditions.

November 2024 – “After a review of the updated proposals, the LHA is satisfied that the amendments will not have an adverse effect on the highway and are acceptable. Therefore, the LHA continues to advise approval of the planning application subject to planning conditions”.

November 2024 – Updated following the removal of the white lines/hatching from the highway - “After a review of the updated drawing the LHA continues to advise approval of the planning application subject to planning conditions. For completeness, all previously recommended planning conditions”.

**Leicester Forest West Parish Meeting** – Objects to the application for the following reasons:

*“On behalf of Leicester Forest West Parish Meeting, we comment on the above application. At the recent Leicester Forest West Parish AGM residents present had objections to the application. All the time of the meeting residents felt that they needed more time to consider the application and study the numerous documents but listed below are just some of the issues raised.*

*The following comments/objections were raised.*

*- The suggested alterations to the junction of Peckleton Lane and the A47 would be inappropriate considering the Traffic Order dated 2003.*

*The applicants are not aware it is LEGAL for agricultural vehicles to turn into Peckleton Lane from the A47.*

*- The junction between Peckleton Lane and A47 has historically been a very high-risk junction leading to fatalities. In 2003 the Traffic Order was enacted to address this. Any alterations to the junction must take into account the road safety data from prior to 2003, including the fatalities, rather than the recent data the applicants have supplied because there is a significant risk that cars will enter Peckleton Lane illegally*

*to get to the new site as the new access to the proposed site is going to be so close to the junction.*

- There is no topographical survey, so it is not possible to comment on the visibility of vehicles entering or leaving the site. This is concerning because the site is significantly low.*

- The traffic survey was done in winter when speeds are less. It was performed only during 7am to 7pm, but the proposed development will have vehicles entering and leaving the site much later in the evening than this. Also, more illegal entries to Peckleton Lane occur after 7pm each day as we suspect people consider they are less likely to be caught by police. The survey was also not performed over the weekend which is strange as more arrivals/departures to the holiday lodges will occur at this time. Also, more illegal entries to the road happen at the weekend, again, assuming that police activity is less.*

- The traffic survey suggests the speed at the proposed junction is over 40 mph, but the visibility has been significantly reduced saying that cars are coming around the junction so going slower. They have supplied data which shows the cars are going over 40mph, so the visibility needs to be increased, not decreased. The vehicles that turn here illegally are likely to be going fast as they do not want to be caught, and they are already doing something illegal!*

- Sat navs are likely to send cars illegally to the proposed site due to the proposed entrance to the site being so close to the junction.*

- The Design and Access Statement states the refuse lorries will park on the road to empty the bins. This will cause vehicles in Peckleton Lane to overtake the lorry remarkably close to the dangerous junction where the visibility on the Southbound side is significantly lower than policy requirements. The risks to pedestrians and cyclists with the lorries parking here too is extremely high.*

- The entrance/exit is extremely close to the junction to the A47 and indicates traffic leaving the site turning left and right.*

- Strong objection to changing agricultural land to leisure, this land is old meadow pastures and should be retained as such. If the application be successful, we would ask that the change to leisure land be restricted to the access road land and not encroach into the parkland.*

*Leicester Forest West is a small hamlet with only 12 residential properties and this application would nearly double its size with non-residentials which could have an adverse negative impact on quality of life and well-being with possible disruption caused by constant visitor use, noise, disturbance, littering, antisocial behaviour and a loss of a sense of community and security. This development would change the intrinsic nature of Leicester Forest West”.*



**Thurlaston Parish Council** – *“In light of what is already a dangerous road and with additional traffic from Griffin Park there is already insufficient disincentives to stop people from turning right when they already should not. Making this a cycle, footpath and vehicle route could be potentially dangerous for users”.*

### **Third Party Representations**

22 representations were received, 14 objecting to the application with 2 supporting the development. It is noted that several residents have provided multiple comments during the course of the application following re-consultation.

The comments received are summarised below:

#### **Highways**

- The lane is dangerous, and drivers believe it is only no-way (and farm vehicles can legally turn in).
- Consider it reckless and irresponsible for tourists with 10 or more cars to be using the lane.
- Drivers use the lane illegally and it is not wide enough for cars to pass.
- There have been traffic accidents on the lane and at the junction.
- The lane is used as a racetrack by Caterpillar and Neovia drivers and used as a cut through.
- States that there are no footpaths and walking along Peckleton Lane is dangerous and people will use the car.
- The cycle lane is dangerous next to the junction.
- Confused as to why the applicant has significantly reduced visibility splays, when the traffic survey suggests the speed at the proposed junction is over 40mph.
- The development is near to a busy bus route with cycle lanes (supporting comment).
- Horses hack down the Lane and it would not be safe.
- Residents provided a Road Traffic Regulation Act – Order on the road and considered the access alterations to be inappropriate.
- Requested that the road safety data was re-considered.
- The traffic survey was carried out in winter when the speeds are low and only at 7am to 7pm weekdays.
- They believe that the applicant has failed to demonstrate that a safe and suitable access can be achieved for all highway users due to substandard vehicular visibility splays
- Sat Navs will direct cars illegally down the lane.
- Refuse lorries will collect waste from the road near to the junction, which is a risk.
- The works to the junction would stop farmers accessing fields off Peckleton Lane.
- The proposed hatched area would make matters worse.
- Construction traffic will increase the risk of accidents.
- The site is lower than the highways and headlights could cause a problem.

### **Drainage**

- No details on SUDs measures and comments that additional drainage would be required i.e. French drains.
- It is unclear if the drainage proposals are adequate.

### **Design**

- EV charging points are mentioned, however there are no further details about the specification for the holiday lodges.
- Searched online for images of holiday lodges brings up more substantial looking structures.

### **Landscaping**

- A new 200m access road across this land would significantly alter the character of the area and would not be in keeping.
- The land has no lighting, how will this be managed?
- Considers that a topographical survey is missing, which affects the width of the road and banking impacting the landscape.

### **Biodiversity**

- The site is home to ecology such as great crested newts, owls, bats etc.
- Note no holding objections from LCC Ecology
- Notes that Forestry requires tree protection measures.

### **Principle**

- The development is almost as big as the hamlet itself, which has 12 houses.
- The land is agricultural with crops and sheep/livestock grazing.
- It is stated in the Fosse Villages Neighbourhood Plan that the site is not suitable for further development.
- The area has no facilities or amenities for tourism - Any local tourist attraction: King Richard Centre, Bosworth battlefield, Bradgate Park etc. will have to be accessed using either a vehicle or public transport.
- Do not feel there is any demand for holiday accommodation in the area.
- It would be good for people to stay during Mallory Park racing season, especially if dog friendly.
- Will be a good thing for local business, cafes, bars, restaurants, local shops.
- Implied commercial use on one of the buildings on the site.

### **Neighbouring Amenity**

- Consider that their peaceful enjoyment of properties would be impacted in varying degree.
- Would have an overbearing impact.

### **Other Matters**

- Do not believe it will comply with Fire Safety Standards.
- State that misleading information was provided with the application.
- The application includes drawing (PL)02 which indicates the applicant owns land (edged in blue) which they do not actually own.
- The recent applications made by the owner have failed.

## **Relevant History**

22/0112/FUL - Erection of 10 No. holiday lodges and change of use of land. Proposed new access off Peckleton Lane and new access track – Withdrawn.

22/0823/FUL - Change of use of agricultural land to residential garden and construction of Summer House (retrospective) – Application Permitted.

10/0583/1/FY - Application to determine if approval is required for agricultural storage building – Application Required

## **EXPLANATORY NOTE**

### **The Site**

The development site at Oaklands extends to some 0.6 hectares, excluding the access track. The site consists of agricultural land associated with the dwelling Oaklands, which is accessed off the A47, a High Load Road Route set out in the policies map. Access to the proposed development is proposed from Peckleton Lane, which is to the south of the site (lodges) and separated by the residential dwelling of Oak Lodge. Peckleton Lane is a classified C road subject to the National Speed Limit. To the north of the site accessed along a private access track, Pendlewood Farm is located some 300m from the corner of the development site.

The site is covered by *The Oaklands Leicester Forest West Tree Preservation Order*, which was confirmed in 1975 and is a specified Area TPO (Our reference 235/DC).

A public footpath runs from Peckleton Lane along the track to the west of the site, where it splits north-west and south-east, with access points onto the A47 at the Bulls Head Public House. The footpath to the north enters Leicester Lane close to the White House Inn (Pesto Restaurant).

The site is located within Countryside and is outside the settlement boundaries as defined by the DDPD. The site is located within the Normanton Agricultural Parkland landscape character area as defined in the Blaby Landscape and Settlement Character Assessment.

The site is an open paddock/field, which is surrounded by established trees and hedgerows, fenced at the track with livestock fencing. An existing pond is located along the boundary of the site.

Visibility into the site is limited due to the established trees and hedgerows, glimpsed views of the site may be gained through the proposed access and from the A47, with the land sitting at a slightly higher land level than the road.

### **The Proposal**

The development proposes the siting of 10 No. Holiday lodges, which will be reached via a new access and track from Peckleton Lane, providing 8 x 1no. bedroom lodges

and 2 x 2no. bedroom lodges. The new access and track will be located some 60m from the Peckleton Lane/A47 Hinckley Road junction. The lodges will be positioned in a semi-circle layout around the existing pond, with parking for one vehicle between each lodge (to the rear of Lodges 1 and 10), accessed from a track around the lodges. In relation to the development the land will change its use from agricultural land to a "Sui Generis" use (i.e. a use of its own kind).

The development also proposes construction of a plant room adjacent to the north-western boundary of the site and a bin store to the north of the development. Materials proposed for the developments external finishes include timber cladding. The plant and refuse buildings are relatively small structures and the lodges themselves will measure as follows: The one bed lodges measures 8m in length by 4.2m width. The two bed lodges measures 10m in length by 4.2m width. All lodges will have an outdoor decking area.

The applicant has provided details of a drainage strategy confirming the use of a package treatment plant (Kingspan Klargestar BioDisc BE) to treat sewage and details of the discharge point to an existing brook via a reed bed at a discharge rate of 0.40l/s. The drawings confirm that the calculations have been deduced based on the occupants that could use the holiday lodges.

The submitted planning statement confirms that refuse will be collected by a management company, where the occupants of the lodges can place their waste to the north and the managers of the site will move waste to a collection point adjacent the entrance to the site.

The proposed drawings were altered during the course of the application, to address LCC Highways comments, regarding the proposed new access from Peckleton Lane and including the works to provide a cycleway from the site onto the existing cycleway along the A47. The access track from Peckleton Lane and all hard surfacing within the site is proposed to be finished with *grasscrete*. Grasscrete is described online as being '*reinforced cellular cast-on-site concrete in which natural grass can be grown or gravel can be filled into the cavities*'.

The proposed track will be mainly single track and has been includes passing places (to the pond) over the agricultural land and through a line of existing trees. The entrance to the site has been designed so that traffic can enter and access the site at the same time so that cars are not waiting on the highway.

The building notice application referring to conversion of the stables to a shop and general storage area as noted through the representations has been referred to your Enforcement Officers.

### **Planning Policy**

Section 38(6) of the Town and Country Planning Act 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. 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 (2023)**

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

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

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

For decision-taking this means:

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

Paragraph 84 of the NPPF states that Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Section 16 of the NPPF sets out the national policy framework for development proposals that affect designated and non-designated heritage assets. Paragraph 194 states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets, including any contribution made by their setting in order to understand the potential impact of a development proposal on their significance.

## **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.

#### **Policy CS1 – Strategy for Locating new Development**

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

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

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

#### **Policy CS10 – Transport Infrastructure**

Policy CS10 states that in order to limit the impacts of new development on levels of vehicle movements, congestion and on the environment the preferred approach of Blaby District Council is to seek 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'. In addition, the Council will seek to protect and enhance local services and facilities (including retail and employment) to reduce the need to travel.

#### **Policy CS18 – Countryside**

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.

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

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

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

#### Policy CS20 – Historic Environment and Culture

In terms of the Development Plan, Policy CS20 of the Core Strategy takes a positive approach to the conservation of heritage assets and the wider historic environment through ensuring that development proposals protect and enhance heritage assets. Development proposals are required to avoid harming the significance of historic sites, buildings or areas, including their setting. This is supported by Policy CS2 which 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.

#### Policy CS21 – Climate Change

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

#### Policy 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)**

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.

#### Policy DM2 – Development in the Countryside

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

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

Policy DM8 seeks to provide an appropriate level of parking provision which complies with Leicestershire Highways Design Guide (LHDG) and is justified by an assessment

of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport.

#### Policy DM9 – High Load Route

Development will not be supported where it would impede the passage of high loads along the A47 High Load Route as set out on the Policies Map.

#### 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.

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

#### Policy FV4: Biodiversity

New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

#### Policy FV6: Design

Development that reflects the distinctive and traditional character of the Fosse Villages, as described in the Settlement Statements, or contextually appropriate innovative design will be supported. Development proposals must also:

- A. Be in keeping with the scale, form and character of its surroundings;
- B. Protect locally significant features such as traditional walls, hedgerows and trees;
- C. Not significantly adversely affect the amenities of residents in the area, including daylight/sunlight, privacy, air quality, noise and light pollution;
- D. Promote sustainable design and construction, which minimises waste and maximises the potential for recycling materials either on or off site; and E. Provide safe and suitable access.

The Fosse Village Neighbourhood plan recognises that Leicester Forest West is a hamlet located within the Normanton Agricultural Parkland landscape character area. It notes the two facilities within the hamlet as being the Bulls Head PH and Desford Crossroads Service Station and acknowledges that LFW is serviced by a frequent bus service.



## **Other Policy**

### **Leicestershire Highways Design Guide**

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

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

### **Blaby District Tourism Growth Plan 2020-2025**

The findings of the plan recognise one of the challenges in the district as being the 'limited range of accommodation' and that there is evidence that 'overnight stays need to be increased to enhance the economic value of tourism and potentially to stimulate additional accommodation investment'.

### **Blaby District Plan 2024-2028**

This plan recognises the economic benefits of local tourism to the local economy. It also notes that our goal is for the district to be one of Leicestershire's leading and most welcoming and sustainable tourism destinations, attracting staying and day visitors from across the UK.

### **Blaby Tourism Growth Plan 2020-2025**

The ambitions of the Blaby Tourism Growth Plan include: growing the value of Blaby Tourism, increasing the number of visitors and increasing the number of tourism jobs. It recognises the importance of tourism which includes different types of businesses, including accommodation and attractions. The document recognises that one of the challenges in the District is the limited range of accommodation.

## **Material Considerations**

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

Taking into account the Development Plan Policies set out above there are a number of substantive material considerations that relate to the development of this site, which are:

- The principle of the development
- Design and Appearance of the Lodges
- Impact on the Countryside
- Biodiversity
- Archaeology
- Impact on Neighbouring Dwellings
- Highway Impacts and Access

### The principle of the development

The application site is located within land designed as Countryside on the policies map of the Delivery DPD. The proposed development is small scale in nature, providing holiday accommodation in the countryside, which is supported by policies of the NPPF and Policy CS18 of the Core Strategy. The proposed development would enable the applicants to diversify the land use within their property, supporting local employment for those maintaining and running the lodges. In addition, the nearby Public Houses, located along footpaths, which can be accessed from the site may benefit from the use of the holiday lodges, these are noted to be The Bulls Head and The Pesto Pub.

Blaby District Councils overall corporate plan (The Blaby District Plan 2024 to 2028) seeks to encourage leisure with the Council's goal to be one of Leicestershire's leading and most welcoming and sustainable tourism destinations, attracting staying and day visitors from across the UK. The development, therefore, would provide economic and social benefits with a differing accommodation in the district in the form of holiday lodges

It is noted that Leicester Forest West residents consider that the development would double the size of the hamlet, however the development provides holiday accommodation and planning conditions are to be imposed to ensure that the lodges could not form new dwellings for permanent occupation with a restriction placed upon the number of days a year that individual visitors could stay there to 28-days. In addition, it is not considered that the size and scale of the lodges is suited to short-term holiday lets. This ensures that the holiday lodges contribute to leisure and tourism within the district. The occupation of the lodges as short-term holiday accommodation would also not impact on local infrastructure resources such as doctors and dentist appointments and school places in the same way as if the lodges had permanent occupants

The proposed development therefore could be considered acceptable in regard to Policy CS18.

Subject to other material considerations discussed below, the principle of the application would be in accordance with certain policies of Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Blaby District Local Plan (Delivery) Development Plan Document (2019) and National Planning Policy Framework.

## Design and Appearance of the Lodges

The lodges are designed as shepherd huts with small footprints and low ridge heights. In addition, the associated ancillary buildings of the bin store and plant room are small-scale and would not look out of place on agricultural farmland. The submitted Planning Statement states that the development will have a high design quality. Overall, the layout of low-level structures around the lake with a gravel track providing parking access and parking spaces between the structures would be acceptable for the proposed development.

The proposed layout plans confirm that the required spacing requirements between the lodges, is ensured with 3-metre distance of the holiday lodges from boundaries and a 6-metre separation between lodges.

The design of the individual lodges and immediate environs is considered to be acceptable in regard to Policy DM2 and CS2.

## Impact on the Countryside

The site is located within Normanton Agricultural Parkland as described in the Blaby Landscape and Settlement Character Assessment, which notes the 'area extends from Leicester Forest West to the north to the M69 motorway corridor *which forms the southern boundary. The area has a sense of time-depth due to the remnant estate character associated with the former site of Normanton Hall*'. The assessment also states that '*views from within the character area tend to be channelled and over short distances. Glimpses of the surrounding area are framed between large trees and woodland. Views are generally open within parkland areas but are contained by woodland and topography restricting views over longer distances. Thick hedgerows and woodland create an enclosed character*'.

One of the key pressures noted in the assessment considers that recreational activities may result in increased activity and visual impact on the rural setting, along with the introduction of new elements in prominent locations. The assessment specifically refers to Oaklands and provides guidance and opportunities for future development such as the conservation of 'parkland landscapes at Normanton and Oaklands, to retain the individual character of these areas'.

The development is small-scale located around an existing pond within the site, which is surrounded by dense hedgerows and established trees, which are protected by a Tree Preservation Order. It is acknowledged that the density of the units is quite high but this has the benefit of enabling the development to be kept to a small area within the site and around the pond which assists in limiting the visual impacts on the landscape.

The development would not alter the field boundaries nor alter the parkland views in front of the main dwelling, Oaklands. Only one tree is proposed for removal to provide the access to the development and a condition is to be imposed to ensure that existing trees are protected throughout construction and that the landscaping scheme proposed is provided on site and maintained.

The development is located away from the main travel route of the A47 with only glimpsed views of that part of the site housing the lodges being noted from the road. In addition, the site where the lodges will be located cannot be readily seen from Peckleton Lane. The site can be viewed from the existing private track by users of the footpath.

The new access and entrance from Peckleton Lane would be visible, although the scheme has sought to preserve the existing trees located within the site. The new access is likely to have a low visual impact on the character of the area due to its location on the one-way section of road and likely being visible to those passing the site generally by vehicle or bicycle. Therefore, these views of the access will be short lived.

The access track would be located across the parkland and it is considered to have some impact on the local countryside, creating a new feature across the fields and altering the nature and character of the area. The access track however, will be constructed using grasscrete, which should have a low impact on its appearance through the landscape and due to the following the tree lined boundary and the proposed retention of vegetation and replacement planting on the site.

The applicant has submitted a Landscape Visual Impact Assessment with the application, which reviews the site from various viewpoints and recognises that the 'views are extremely limited and are heavily filtered by existing mature hedgerows and trees, and to receptors within moving vehicles will be very fleeting, therefore the perception of the landscape character will not be affected'.

When considering the scale of the development and its location with limited views of the lodges themselves, your Officers do not consider that the lodges element of the proposal would have such a detrimental impact in themselves to harm the character of the landscape that a refusal of planning permission could be justified on this ground. In the retention of the trees the field boundaries are retained. For the reasons outlined above, it is considered that the development overall would be acceptable in regard to Policies DM2 and CS18.

### Impacts on Trees

Oaklands is protected by a Tree Preservation Order, which is an Area TPO and includes *'the several trees of whatever species situated within the area indicated on the map'*.

The applicants have submitted with the application an Arboricultural Assessment and Method Statement which identifies which trees would be removed or retained as part of the proposed development and notes that one tree (T23 on the submitted plans) will be removed due to the impacts of the construction track. This tree is an oak of moderate quality and when considered against the other tree vegetation on site, it is not considered detrimental to the wider tree cover. Some pruning works are also proposed to allow for visibility splays as detailed in the reports.

The plans include for protection measures to mitigate against harm during construction works.

LCC Forestry were consulted on the application and provided the following comments

*'The removal of T23, while not ideal does look to allow adjacent trees of better quality (in terms of visual amenity, remaining contribution and habitat value) to be retained safely. The landscaping proposals, including significant replanting of trees are good. However, I was not able to find detail on the method of construction for the proposed gravel tracks. While these are outside of the root protection areas of retained trees, the planting scheme does show a significant number of trees and hedging adjacent to the main access track, which is set to lead to the lodges from Peckleton Lane.*

*If no detail exists for the construction method/materials used for this, I would recommend that the applicant specifies methods and materials which will withstand future root growth of trees. This will help to avoid future conflicts between the surfacing and root disturbance, thus reducing the risk of tree removals to mitigate surface disruption etc.*

*No objections with regards to the proposed removal of tree T23, or the soft landscaping/tree planting proposals. The applicant is to ensure that the construction of the gravel tracks is suitable to withstand future root growth from adjacent trees'. Further information was submitted and the re-consultation response notes that 'the proposals submitted by the applicant are reasonable and can be appropriately mitigated by following the tree protection measures outlined in the submitted Arboricultural Impact Assessment'.*

The applicants have also submitted a planting schedule with the application, which includes structural planting, amenity planting, individual planting and some hedgerows. LCC Forestry were also consulted on the proposed planting scheme and they provided the following comments: *'The submitted landscape scheme for the site details appropriate use of native species where applicable within the site to replace and strengthen the mature character of the parkland. Additional shrub and tree planted is concentrated to the site entrance to assist with screening of the site, with a new native mixed hedge to be planted along the northern edge of the new track. Landscaping around the holiday complexes is also appropriate with use of native species and flowering lawn to enhance the areas around the lodges'.*

The development is therefore considered acceptable in regard to the impacts on the trees on site subject to conditions regarding works to trees (retention and removal), landscaping scheme and maintenance of the planting scheme. As the planting scheme enhances biodiversity on site, as discussed below the planting scheme on the site will need to be retained for 30-years under the standard BNG condition.

### Biodiversity

The application is subject to mandatory Biodiversity Net Gain (BNG) and will be subject to the BNG condition. The submitted BNG metric is deemed to be acceptable by the County Ecologist and a 10% net gain in habitat, hedgerow and watercourse units through on-site habitat creation and enhancement has been demonstrated. The metric demonstrates a 13.73% habitat unit gain, 302.11% hedgerow unit gain and 18.40% watercourse unit gain.

The applicants have submitted a draft Habitat and Monitoring Plan (HMMP) and noted that it anticipated that the draft HMMP will be updated and fully resolved following planning consent, which will form part of a pre commencement planning condition.

LCC Ecology considered that the BNG Metric and accompanying report was acceptable and realistic and outlines how habitat enhancement and creation can be achieved and managed for 30 years. They also noted the following *'due to the change in the cycle path route, there may be a minor change to the DEFRA Metric calculations. However, because it is unlikely to significantly change the habitat type, we are content this can be dealt with as part of the Biodiversity Net Gain Plan condition stage'*.

As per the mandatory BNG condition, a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) will be required prior to development.

### Protected Species

Several reports in regard to protected species were submitted with the application, which included the following:

- Preliminary Ecological Appraisal Report
  - o Noted that the site offered potential suitable habitat for a number of species and additional surveys were conducted as detailed. Ten recommendations were made in the report for Great Crested Newts, Badgers, Roosting Bats, Commuting and Foraging Bats, Breeding Birds, Reptiles, Otters, Other Priority Species, opportunities for Nature Conservation and Environmental Best Practice.
- Ground Level Tree Assessment for Bats and Breeding Bats.
  - o This concluded that 'Given the outcome of this assessment, impacts upon roosting bats is considered negligible and there will be no requirement to undertake any further surveys to determine presence/likely absence of a roost or to proceed under any protected species licencing requirements. Recommendations were provided.
- Great Crested Newt Habitat, Suitability Index (HSI), Assessment & Environmental, DNA (eDNA) Report.
  - o This report stated that 'Following the confirmation that GCN are absent from the Site, there will be no requirement to provide mitigation or enhancement for this species as a result of the proposals. The ponds will however be retained in situ regardless and should be maintained and adequately protected through best practice during construction phases via a Construction and Environmental Management Plan (CEMP).

LCC Ecology have reviewed the submitted documents and consider that the ecological survey data is acceptable, and no further surveys are required subject to the imposition of conditions for a CEMP including the recommendations laid out in the submitted reports.

Overall, it is considered that the development would be acceptable regarding biodiversity, subject to conditions. The development is considered to be acceptable in regard to Policy CS19.

### Archaeology

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

Paragraph 211 of the NPPF states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>73</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

As stated by Leicestershire County Council's Archaeologist: *'The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies in an area of archaeological interest. We welcome the submission of a revised desk-based assessment (ULAS DBA Report Number: 2024-032), and are generally supportive of its findings which identifies a moderate potential for archaeological remains dating to the prehistoric and Roman periods. The site appears to have suffered relatively little disturbance, consequently there is a likelihood that any buried archaeological remains present will be well-preserved'*.

The applicants have provided an archaeological desk-based assessment for land at Oaklands which notes that *'The ground-works for the new development are shallow but may have a detrimental impact on high-lying archaeological remains that may be present within the PDA. There may also be disturbance from the excavation of small trenches for services and within landscaping and the new access etc'*.

It is noted that whilst there is the potential for further unidentified archaeological remains it is not considered that these would hold such importance to represent an obstacle to determining this application and therefore an appropriate method of archaeological mitigation, including trial trenching can be conditioned as part of any approval would be suitable mitigation. The submitted scheme is therefore acceptable in regard to archaeology.

Oaklands is not a listed building. The Heritage Statement provided by the applicant notes that a range of buildings at Oaklands were there in 1815. The site is not a registered park or garden nor within a Conservation Area, but it is recognised that Oaklands has some historic and archaeological interest.

Blaby District Council's Historic Buildings Officer was consulted on the application and provided advice in regard to the sites history:

*'The site sits within open countryside which was previously part of the old Leicester Forest until the disafforestation of the area was sanctioned in 1628 by King Charles I. It is evident that the spacious grounds of the house and its outbuildings are read as part of the wider rural landscape owing to the tree-lined boundaries. However, the fields located to the south and south-west of the buildings bear some resemblance to the character of an informal agricultural park due, partly due to the channelled view afforded of the buildings when looking north from Peckleton Lane, just prior to the A47 junction. In addition, the tree-spacing and the occasional sporadic mature tree reinforces this characterisation, but I acknowledge that this is may be a fortuitous landscape rather than one of conscientious design.'*

*The buildings at Oaklands are not affected by the proposed works, but the proposals are intended to be within its setting. Despite its age and architectural interest, it is quite surprising that Oaklands does not feature on the Historic Environment Record. I am unsure of the building's age – the principal dwelling appears to have a date placard on its front elevation which I cannot see from previous photos, but I would say that based on its appearance, I would estimate that it dates from around the mid/late-19th century.*

*There are no listed buildings or Conservation areas on, or, immediately adjacent to the application site. The nearest listed building (Desford Hall – Grade II) is located approximately 1km to the north-east of the application site, with the closest Conservation Area in Blaby District being Kirby Fields, some 3.25km to the north-east.*

*There are several non-designated heritage assets in the locality, as identified within the submitted Archaeological Report. The site is not officially considered to be a non-designated heritage asset, which is relatively consistent with several other older buildings (The Bulls Head Inn, Rose Cottage, Mount Pleasant (aka Pendlewood Farm) are not officially in the local area'*

*'Whilst the lodges are low in scale and have a small footprint, it is likely that the existing woodland and trees which would enclose the site would largely screen it from view. However, the proposal would lead to the erosion of the previously spacious, tree-lined grounds to the west of Oaklands, which currently makes a positive contribution to its rural setting. I think it would be hard to argue that the relatively tight-grain, semi-circular arrangement of the lodges and their verandas, bin store, the provision of additional areas of hard-standing and roadways, extra vehicles (transient and stationary) and ornamental planting/landscaping will be conducive to preserving this setting, including the area's attractive, open countryside character'.*

The holiday lodges would be separated somewhat from the main house by both outbuildings and landscaping therefore the impact of their construction is unlikely to detract from the setting of Oaklands. Oaklands would maintain its straight access track, which is tree-lined from the A47 and retain its sense of presence within the Parkland.



It is therefore considered that the application scheme would be acceptable in regard to Policy CS20.

### Impact on Neighbouring Dwellings

The development site is located in the fields relating to Oaklands and would be associated with the main dwelling house. Oak Lodge, a residential dwelling is located to the south-west of the development site. Oaklands and Oak Lodge being in the vicinity of the site need to be considered in terms of any impact from the development upon their residential amenity regarding noise, disturbance, light and scale of the development.

The nearest elevation of the dwelling, Oak Lodge is located around 73m from the nearest lodge proposed to be located around the pond. The furthest lodge is located some 112m from the nearest elevation of the dwelling Oak Lodge. The dwelling of Oak Lodge is separated from proposed holiday lodges by an extensive line of trees and boundary treatment along with other vegetation. The trees at Oaklands are protected by a Tree Preservation Order and therefore cannot be removed without permission, in addition the majority of the vegetation separating Oak Lodge from the proposed lodges are in the ownership of Oak Lodge and therefore in their control. It appears that the area of garden used by Oak Lodge is located to the north, south and west of Oak Lodge and not to the eastern side of the dwelling, closest to the proposed lodges therefore at the furthest point from the lodges. The holiday lodges have been positioned in a manner that they face the pond, which forms the central part of the site and feature, and they are not directed towards the residential dwellings. The decking relating to the holiday lodges has been designed to sit off the boundary and therefore the lodges form a further boundary between users sitting outside the lodges and the boundary to the dwelling, Oak Lodge. It is anticipated that the extensive vegetated boundary will reduce the travel of sound, if any, from the proposed development from the users of the lodges. Oak Lodge also due to the positioning of the lodges and the extensive vegetation would be unlikely to be impacted by privacy or overlooking concerns from the small-scale holiday lodges.

Oak Lodge is the host dwelling to the site and is located some 40m from the nearest proposed lodge, which will also see the provision of additional landscaping between the main dwelling and development site, further reducing any privacy concerns and providing a soft barrier between the dwelling and the lodges.

The proposed distances are considered acceptable when considering the small scale of the lodges and the number of possible users on the site at one time in addition to the distances of 40-73m (minimum) from the two nearest residential dwellings. It is recognised that the representation comments raise concerns with the development being overbearing, and that their peaceful enjoyment of properties would be impacted, however, the development due to its scale cannot be considered overbearing and is unlikely to be visible from the nearest dwellings and the use is not expected to generate larger volumes of noise or disturbance.

The development would provide holiday accommodation for up to ten different occupiers, each lodge being of small scale with small associated decking area. It is not considered that holiday accommodation of this scale would have unacceptable

noise impacts or disturbance for neighbouring properties and indeed Oaklands would need to manage the holiday lodges to ensure that noise and disturbance do not arise from the use. Any noise and disturbance complaints should they arise would be a matter for Environmental Health.

As advised in the ecology survey submitted with the application, lighting should be kept to a minimum and directed downwards using hoods and cowls to mitigate impacts on bats. Lighting could be controlled via planning condition.

### Highway Impacts and Access

The applicants have submitted various documents and amended drawings during the course of the applicant to address LCC Highways initial comments.

LCC Highways noted the following:

*‘There has been a total of three PICs, including one fatality at the Peckleton Lane / A47 Hinckley Road junction (January 2020), one serious and one slight collision.*

*To ensure the latest situation regarding the PIC data has been analysed, the LHA has reviewed its own database for the period from 1 January 2024 to 30 April 2024. There have not been any more collisions in the study area in 2024. Whilst any fatality on the highway is regrettable this was an isolated incident, and the LHA does not think that the proposed development will exacerbate an existing situation.*

*Therefore, the LHA would not seek to resist the application based on any highway safety concerns, subject to the applicant demonstrating a safe and suitable access to the site’.*

*‘The details of the predicted trip generation in the peak hours and the daily total (07:00 – 19:00) are set out in Section 5 of the TS. The applicant has indicated that there will be 25 daily two-way trips. Given the scale of the proposals the LHA is satisfied that no junction capacity assessments are required’.*

In regard to other highway impacts it is considered that the development providing tourism accommodation would generate car journeys due to the nature of the proposed use. However, when visiting the area there are sustainable transport options available for visitors including the use of nearby footpaths and public transport links such as the nearby bus routes along the A47. Additionally, the development proposes a cycle link from the site to the existing cycle rout along the A47.

It is also considered that adequate parking can be provided within the site for users of the lodges.

The public Footpath R98 runs adjacent to the proposed development and after a review of the plans the LHA is satisfied that the use and enjoyment of Public Footpath R98 will not be significantly affected by the proposals.

It is recognised that in order for the applicant to carry out offsite works associated with this planning permission, separate approval must first be obtained from Leicestershire

County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement.

The applicant has demonstrated that the development would be acceptable in highway safety terms. Therefore, there is no reason to refuse the application on highway safety grounds and as per the advice received from LCC Highways and subject to the imposition of conditions, the development is considered to be acceptable in regard to Policy DM8 of the Blaby District Local Plan (Delivery) Development Plan Document.

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

In conclusion, and for the reasons set out above, taking into account the principles set out in Local and National Policy and guidance including the three dimensions of sustainable development (economic, social and environmental) set out in the NPPF and policies in the adopted Development Plan, in addition to all other material considerations, the proposed development is considered to be acceptable as it would provide 10 holiday lodges in a rural setting which would be in accordance with the Council and NPPF policies for tourism and growth.

There are no technical objectors to the application. Furthermore, the development is considered acceptable due to the level and scale of built development proposed, the size of the development area and the location with limited visibility from public viewpoints. The small-scale development in this instance weighs in its favour as the remainder of the land around Oaklands (and the Normanton Agricultural Parkland) would be unaltered bar the access track located along the tree line. The development is located close to two local public houses/restaurants and is located along the bus route and cycle route along the A47 to which this development seeks to improve the access to the cycleway from Peckleton Lane and therefore while located outside the settlement boundary due to its short-term use by holiday makers is considered sustainable in this manner. Accordingly, this application is recommended for approval subject to the imposition of the conditions set out above.

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**24/0511/OUT**

**Registered Date  
14 June 2024**

**Rosconn Group**

**Outline Application for the residential development of up to 80 dwellings and associated infrastructure (all matters reserved except access).**

**Land North of Leicester Road, Sapcote**

**Report Author: Clementyne Murphy-Nelson, Senior Planning Officer**

**Contact Details: Council Offices. Tel: 0116 272 7692**

**RECOMMENDATION:**

**THAT APPLICATION 24/0511/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
- Secondary education contribution
- Post 16 education contribution
- Library facilities contribution
- Waste facilities contribution
- Health care facilities contribution
- Police contribution (subject to this passing the CIL compliance test)
- On-site open space and future maintenance
- Bin contribution
- Traffic Regulation Order contribution
- Travel Packs
- S106 monitoring contributions – District and County Councils, including Biodiversity Net Gain

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

34. 2-year time limit for submission of reserved matters. Development to begin within 3 years of date of permission or 2 years from reserved matters approval (whichever is the latter).
35. Reserved Matters details to be submitted.
36. Development to be in accordance with approved plans
37. No approval to illustrative masterplan.
38. Maximum number of dwellings not to exceed 80.
39. Dwellings to not exceed two and a half storeys in height.
40. Construction Environmental Management Plan for Biodiversity to be submitted and agreed and adhered to.
41. Habitat management and monitoring plan (HMMP) to be submitted and agreed.
42. Waste Collection Strategy to be submitted and agreed.

43. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
44. Remediation works shall be completed in accordance with the approved method statement.
45. Reporting of unexpected contamination
46. Construction Management Plan to be submitted and agreed and adhered to.
47. Construction Environmental Method Statement (CEMP) to be submitted and agreed.
48. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
49. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes.
50. Details of all external materials to be agreed.
51. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
52. External lighting scheme for public areas to be submitted and agreed.
53. Arboricultural Impact Assessment and Method Statement to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
54. Treatment of Public Right of Way Bridleway V44 to be submitted and agreed.
55. Access arrangement to be implemented in accordance with the approved access plans.
56. No part of the development hereby permitted shall be occupied until such time as the offsite footway improvement have been implemented in full.
57. Existing access to be closed.
58. Landscaping details under condition 2 to be carried out within one year of completion.
59. Surface water drainage scheme to be submitted and agreed and implemented
60. Details of management of surface water during construction to be submitted and agreed and adhered to
61. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
62. Infiltration testing to be carried out
63. Noise impact assessment to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
64. Piling Method Statement, informed by a suitable acoustic assessment, in the event that piling is to be employed on the site.

## **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

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

Policy FV3 – Bus Services  
Policy FV4 – Biodiversity  
Policy FV6 – Design  
Policy FV7 – Housing Provision  
Policy FV8 – Windfall Housing  
Policy FV12 Housing Mix

### **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**

**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 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** – No comments to make, application does not meet the statutory threshold for consideration.

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

**Blaby District Council, Health and Leisure** – No objections

**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 District Council, Principal Planning and Conservation Officer** – No objection.

“Having regard to para 209 of the NPPF, you will need to weigh up the benefits of delivering the development against the very low, perhaps even negligible harm to the setting of Non-Designated Heritage Assets when making your decision.”

**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** –

July 2024 – Objection, pre-determination trial trenching needed.

*“The Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site lies in an area of archaeological interest. The applicant has commissioned an Archaeology and Heritage Statement (BSA report ref.: BSA2401\_1a) which is welcomed, although we feel that this underplays the site’s archaeological potential for buried remains relating to the Roman period. A Roman villa, first noted in 1770 with the discovery of a tessellated pavement and building foundations, is recorded less than 200m to the southeast of the application area (HER Ref.: MLE283). Further structural remains were discovered in the 20th century along with various finds including pottery, coins and tile in the area of the former Calver Hill Quarry. North of the quarry a bath house, tesserae workshop and two bowl furnaces were also recorded. In view of the evidence from the surrounding area the site is considered to have good potential for the presence of archaeological remains relating to Roman activity, including settlement and occupation.”*

- A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

October 2024 – No objection, the submitted trial trenching report (PCA Report Number: R17587), is satisfactory and no additional archaeological involvement will be required.

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

- Libraries - £2,415.82
- Primary Education - £0.00
- Secondary Education - £238,823.36
- Post 16 Education - £51,023.28
- Waste - £3,962.40
- Monitoring Fees

**Leicestershire County Council, Ecology** –

July 2024 – Further information required;

*“Given the close proximity of the RIGS and LWS site, the impact assessment is not considered detailed enough as it has only considered human disturbance as a potential impact. A more comprehensive impact assessment on local sites should be provided with recommendations of mitigation to reduce these impacts.*

*Skylarks have been recorded from LRERC and in the ecological appraisal. A mitigation strategy for skylark is recommended.”*

- Badger report information is requested for review.
- Biodiversity and Habitat Maps are requested to be reproduced and uploaded to the portal for review.
- A landscape plan is requested for review.



September 2024 – Further information required;

*“The impact assessment for local designated sites is not considered detailed enough as it has only considered human disturbance as a potential impact. A more comprehensive impact assessment on local sites should be provided with recommendations of mitigation to reduce these impacts.*

*Strategic significance of the baseline habitats has been declared as ‘low’. However, ‘hedgerows’, ‘mature trees’ and ‘field margins’ present on Site are listed within the Leicester, Leicestershire and Rutland Biodiversity Action Plan as priority habitats so may afford a higher strategic significance and more consideration to avoid removal.*

*Skylarks have been recorded from LRERC and in the ecological appraisal. At the discretion of the LPA, a mitigation strategy for skylark is recommended including ecological enhancements on Site, any of which should be presented within the landscape plan.”*

October 2024 – No objections, technical note has addressed previous concerns. Request Pre-commencement conditions.

**Leicestershire County Council, Forestry** – No objections, a full tree protection report and arboricultural method statement should be submitted at the time of a reserved matters alongside full landscaping specification.

**Leicestershire County Council, Highways**

July 2024 – Further information required.

*“Consideration should also be given to providing a direct pedestrian / cycle link to Public Right of Way (PROW) Bridleway V44/1 which runs along the northwestern boundary of the application site*

*The LHA would also encourage the applicant and / or LPA to consider proposals which could facilitate / encourage cycling to and from the site. This could include improving cycling infrastructure along Leicester Road (B4669) between the existing settlement boundary and site access to LTN 1/20 standards, or by contributing towards any relevant cycle infrastructure scheme in development as proposed by the Blaby District Council ‘Local Cycling and Walking Infrastructure Plan: 2024 – 2034*

*The proposed access would consist of a bellmouth with a 5.5-meter carriageway width, 6-metre corner radii and 2-metre wide footways on both sides. This would accord with Tables DG1 and DG5 of Part 3 of the LHDG, although an uncontrolled crossing with tactile paving should be provided across the access*

*The Vehicle Tracking Refuse drawing contains swept path analysis for a refuse collection vehicle measuring 11.2 metres in length accessing and egressing the proposed access in both directions. It should be confirmed that the analysis is for speeds of at least 15km/h*

*An officer from the LHA visited the site, and noted that a lamp column could hinder the visibility splays and may need to be relocated.*

*The LHA suggests that the village gateway markings including the dragon's teeth be installed at the new location. A Traffic Regulation Order (TRO) and associated fee would also be required but not be processed until a street lighting design has been approved due to the extent of the 30mph by street lighting requirement within the TRO."*

September 2024 – No objection. The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Request conditions and contributions of £7,500.00 to be used for the provision of the necessary Traffic Regulation Order (not including cost of signage) and travel packs for new residents for sustainable travel.

**Leicestershire County Council, Lead Local Flood Authority** - No objections subject to the imposition of conditions. Notes that the 4ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 11.1 l/s (QBAR) via underground pipes and roadside swales into a conveyance swale before ultimately draining into a detention basin for attenuation prior to discharging into the existing brook at the northwest site boundary. There are no existing flood risk concerns within the immediate downstream catchment.

*"Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA and we advise the following planning conditions be attached to any permission granted."*

**Leicestershire County Council, Minerals and Waste –**

July 2024 – Further information is required.

*"The development site is not located within a minerals safeguarding area (there is mention in the Planning Statement of the site being in a Mineral Consultation Zone in the 'adopted plan' which is listed only as District documents, however from our mapping the site is not in a county MCA). The site is however adjacent to both Granitethorpe Quarry to the north and Sapcote Quarry directly adjacent to the east. Whilst both quarries have not been worked for many years, both are covered by an extant mineral planning permission (code ref: A124/48). This permission was registered as dormant in Leicestershire County Council's First List of Mineral Sites as a requirement of Schedule 13 to the Environment Act 1995. This means that mineral extraction would be able to recommence following an application to review the existing mineral planning permission. Furthermore, from our records it appears that at least*

*part of the proposed development site forms part of a larger area which is consented for the extraction of Granite (permission 124/48), but which does not appear to have ever been worked, and therefore the proposal would constitute the sterilisation of consented reserves.*

*Whilst there is some minerals information within the application, documentation does not contain a minerals assessment as such. It is noted that a 'Phase I Desk Study Report' by JPP Geotechnical and Environmental Ltd is included which refers to some geology, coal mining risk, BGS and other issues. This does not however provide a conclusion on viability of mineral that I can see. It is also noted that this report does mention the presence of a historic borehole to the north of the site and also that 'The site is underlain by the bedrock geology of the Mercia Mudstone Group (Mudstone). To the north-west and south-east of the site granite intrusions associated South Leicestershire Diorite Complex outcrop which have historically been quarried.' It is also noted that a Phase II investigation is recommended within the documentation in order to further understand geology but this is suggested to be secured by condition."*

Therefore, the following items were to be included within a mineral assessment;

- An estimate of the quality and quantity of mineral reserve impacted by the proposed development (preferably verified by evidence from borehole investigations);
- Assessment of whether the proposal can be modified to avoid sterilisation;
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resources ahead of the development;
- Assessment of the commercial and practical considerations of prior extraction – such as environmental impacts, the location of processing facilities, method of transport and the interest from local mineral operators;
- Where prior working is proposed, an explanation of how this will be carried out as part of the overall development;
- The effect of prior extraction on the deliverability and/or viability of the proposed development.

August 2024 – No objections

*"We acknowledge the undertaking and submission of a Mineral Assessment and further ecological information and welcome its thoroughness. Whilst not agreeing to all of the conclusions and assertions within the submission, we understand its aims and intentions and note its contents."*

**Leicestershire Police** - Requests a contribution of £16,789 to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet with new demand.

**Natural England** – No objection, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**NHS, Leicester, Leicestershire and Rutland Integrated Care Board** – Requests a contribution of £61,952.00 to provide the required GP facilities to meet the population increase from the development.

**Sapcote Parish Council** – objects to the application

*“Overall, the Parish Council feels that the main issue with this scheme is the overall ethos of creating an introspective development that does not interact with the wider area. We would argue that this amounts to a scheme which fails to integrate within its surroundings, or even attempt it.*

*The masterplan suggests that the houses would set back from the highway, failing to address the building line of Leicester Road. This is reflected further in the manner in which the scheme has not taken advantage of opportunities to integrate within the local highways network, in particular the network of footways surrounding the site.*

*As proposed, the residential development would contain only one route in and out of the site, which would create a ‘bubble’ rather than a development which integrates into the wider area and community. We feel that this is a characteristic of poor development and runs contrary to the social requirements of sustainable development.*

*Although design is not considered at this stage, it is important to note that nos.42-52 Leicester Road are non-designated heritage assets in an extremely prominent location on the main road into Sapcote. They are the first buildings many people encounter on the way into the village. The way the development fronts Hinckley Road will heavily influence how these buildings are perceived. Unfortunately, the submitted heritage statement barely mentions these buildings in proximity of the site.”*

**Severn Trent Water** – No objection. The foul is proposed to be connected into a combined water sewer. The Developer may require a sewer modelling assessment to determine what impact the generated flows from this site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events. This will be subject to a formal section 106 sewer connection approval.

**Stoney Stanton Parish Council** – No comments received

### **Third Party Representations**

35 letters of representation were received, 32 of which objected to the application, 1 was neutral and 2 supported the application.

The comments received are summarised below:

#### **Supporting**

- Development will support future generations.
- Affordable homes

## **Objecting**

- Not enough facilities to support current population
- Increase in traffic
- No doctor's surgery within Sapcote
- No public transport
- Not enough school places
- Destroying the concept of the village
- Inadequate infrastructure to support new development
- Inaccuracies and inconsistencies within the support reports
- Village has already been development
- Housing demand in rural location isn't required
- Development not in line with the neighbourhood plan
- Development not integrated into the existing village.
- Impacts on surface water flooding
- Fly tipping
- Location inappropriate next to quarries.
- Concern for wildlife and the green environment
- Unsafe access
- Anti-social behaviour
- Other smaller applications surrounding this location have been refused permission.
- Detract from the current village gateway

## **Relevant History**

94/1290/1/PX - Use of Land as 18 Hole Golf Course and Clubhouse Building. – Refused 26 October 1995

## **EXPLANATORY NOTE**

### **The Site**

The site is located on the eastern side of the village of Sapcote, north of Leicester Road (B4669) and extends to approximately 4.01 hectares of greenfield land. The site comprises two arable fields bordered by existing hedgerows and trees with a point of access directly from Leicester Road, where there is already a dropped kerb and agricultural gate and entrance in situ.

The Site is bounded by Leicester Road and Sapcote Telephone Exchange to the southwest. Existing residential development is located immediately to the west of the Site and existing allotments are located to the northwest. Further agricultural land extends to the northwest and northeast with disused Granitethorpe Quarry located to the northern edge of the site. Sapcote Quarry with associated tree planting is located to the southeast. A Public Right of Way also runs adjacent to the northwestern boundary. Existing trees, hedgerows and scrub feature along the site boundaries.

The site falls gradually from the southeast to the northern corner of the Site. The site is located entirely within Flood Zone 1. Two disused quarries are located adjacent to

the site. Granitethorpe Quarry to the north-west and Sapcote Quarry to the east. Both quarries are disused.

The site is located outside of, but adjoining, the Settlement Boundary of Sapcote, identified as a 'Medium Central Village' in the Core Strategy, and is designated as Countryside on the Local Plan Policies Map (2019).

There are no designated heritage assets on the site, however, there are some non-designated heritage assets (NDSH) which bound or site adjacent to the site. Granitethorpe Cottages – six terraced red brick houses with a date plaque that reads '1875', are the only NDSH which immediately border the application site, these are located along the southern boundary. Sapcote does not have a Conservation Area.

There are no Tree Preservation Orders within the site or boarding the sites boundary however, there is a candidate/potential Local Wildlife Site on the southern boundary of the site close to the existing access to the field (a Mature Ash Tree).

### **The Proposal**

The application seeks outline planning permission for residential development comprising of up to 80 dwellings, with all matters reserved apart from the means of access. In terms of the amount of development, it is anticipated that circa 2.33 hectares of the site can be utilised to deliver new housing and the associated infrastructure, with circa 1.36 hectares accommodating green space, landscaping and play and circa 0.32 hectares to be utilised for SuDs features and pumping station. 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 80 dwellings, equating to a density of approximately 20 dwellings per hectare when calculating the density across the entire area of the site (34dph for build area only). 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 and 4 bedroom houses, with 25% of the dwellings being affordable as outlined within the submitted Design and Access statement. The proposed dwellinghouses will be mainly two storey in height, with some single and one and half storey dwellings to meet local need, with a mixture of detached, semi-detached, terraced housing, bungalows and apartments.

The vehicular and pedestrian access to the site will be from Leicester Road, close to the vicinity of the existing field access. The existing access to the field is to be closed.

### **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
- Framework Masterplan
- Topographical Survey
- Flood Risk Assessment Mapping
- Biodiversity and Habitat Maps
- Phase I Desk Study Report Plans
- Habitat Net Gain Plan

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

- Arboricultural Assessment – April 2024
- Biodiversity Metric
- Transport Statement
- Sustainable Drainage Statement
- Planning Statement
- Phase I Desk Study Report – June 2024
- Landscape And Visual Appraisal – June 2024
- Flood Risk Assessment
- Ecological Appraisal – June 2024
- Archaeology and Heritage Statement
- Statement of Community Involvement
- Design and Access Statement
- Biodiversity Net Gain Metric and Report

### **Environmental Impact Assessment**

The proposed development is not considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as it does not comprise of an urban development project (10(b)) of more than 150 dwellings and the site area does not exceed 5 hectares.

### **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 November 2024. 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 3.53-year housing land supply. This is notably less than the five-year supply requirement outlined in paragraph 74 of the NPPF.



As a consequence, 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 of 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, 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'). Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives. Sapcote falls within the Medium Central Villages which also includes Littlethorpe, Huncote, Cosby and Croft.

#### **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. Sapcote falls within the Medium Central Villages which also includes Littlethorpe, Huncote, Cosby and Croft and there is a combined requirement in this area to provide at least 815 dwellings over the plan period.

#### **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

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:

- d) Focusing new development in the most sustainable locations;
- e) Seeking site layout and sustainable design principles which reduce energy demand and increase efficiency;
- f) 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:

- e) Directing development to locations at the lowest risk of flooding;
- f) Using Sustainable Drainage Systems to ensure that flood risk is not increased on site elsewhere;
- g) Managing surface water run off to minimise the net increase in surface water discharged into the public sewer system;
- h) 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:

- g) The development is in keeping with the appearance and character of the existing landscape, development form and buildings;
- h) 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;
- i) 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.

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

#### Policy FV3 – Bus Services

Policy FV3 states that where new residential developments of more than 10 dwellings the proposals should include a viability statement evidencing the extent to which the proposals will enhance rural bus services within the Neighbourhood Area on a proportionate basis, having regard to the size, nature and location of the proposed development.

#### Policy FV4 – Biodiversity

Policy FV4 states that new development which minimises impacts on and provides net gains for biodiversity will be supported. Furthermore, new development should

maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) to support biodiversity.

#### Policy FV6 – Design

Policy FV6 states that development must reflect the distinctive and traditional character of the Fosse Villages, as described in the Settlement Statements and contextually appropriate innovative design will be supported. Design must;

- a. Be in keeping with the scale, form and character of its surroundings;
- b. Protect locally significant features such as traditional walls, hedgerows and trees;
- c. Not significantly adversely affect the amenities of residents in the area, including daylight/sunlight, privacy, air quality, noise and light pollution;
- d. Promote sustainable design and construction, which minimises waste and maximises the potential for recycling materials either on or off site;
- e. Provide safe and suitable access.

#### Policy FV7 – Housing Provision

The Fosse Villages Neighbourhood Plan has set out minimum housing requirements for certain villages in the plan area. Policy FV7: Housing Provision shows that the housing requirement for Sapcote is 415 dwellings to be provided between 2006 and 2029. This figure will be met by existing commitments and development within the Limits to Built Development in accordance with Policy FV8.

#### Policy FV8 – Windfall Housing

Policy FV8 states that proposals for housing development within Sapcote limits to Built Development, as defined on the settlement policies maps, will be supported. Outside the Limits to Built Development, Areas of Separation and Green Wedges, support for proposals for housing development will be limited to;

- a. The re-use and adaptation of redundant rural buildings in the most sustainable locations, assessed against the need to retain Countryside;
- b. Small scale housing in the most sustainable locations, assessed against the need to retain the Countryside;
- c. Replacement dwellings of a similar scale and with no greater impact on the Countryside than the existing dwelling;
- d. Dwellings to meet an essential need associated with small-scale employment and leisure development subject to the consideration of its impact;
- e. Dwellings to meet the essential need for a rural worker to live permanently at or near their place of work in the Countryside; and
- f. Rural Exception Sites.

#### Policy FV12 Housing Mix

Policy FV12 states that proposals for new housing providing for a mix of housing types will need to be informed by the most up to date evidence of housing need will be supported. In demonstrating housing need, consideration will be given to supporting



evidence provided by an applicant together with other salient planning matters. Proposals for development of 10 or more dwellings will need to demonstrate how their proposed mix will meet the needs of older households and the need for smaller, low-cost homes

### **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 (2024)**

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

The document also sets out that the Council will seek and encourage developers to make contributions appropriate to provide suitable facilities for recycling and waste collection, for example wheelie bins. Paragraph 4.3.34 notes that to cover the cost of bins for refuse and recycling, £49.00 per household will be sought on all major schemes.

### **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:

- 4) To provide guidance regarding the interpretation of policies CS7 and CS8 of the Blaby District Local Plan (Core Strategy);
- 5) To address local imbalances in both the market and affordable housing stock; and
- 6) 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 Residential Land Availability Report (March 2023)**

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

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

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

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

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

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

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

### **Material Considerations:**

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

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

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

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

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

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

As of March 31<sup>st</sup> 2024 a total of 2,596 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 552 homes per annum to be delivered in the PUA until the end of the plan period (total 3,154). Forecast completions in the PUA to 2029 are around half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.

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

Housing delivery in the non-PUA has exceeded the minimum housing requirement set out in the Plan. The Council's recently published Residential Land Availability (RLA) report indicates that as of the 31<sup>st</sup> March 2024, 3,942 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 133 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 three 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), 23/0968/OUT - Land east of Lutterworth Road, Blaby (up to 53 dwellings) subject to Section 106 agreements being completed.

Policies CS1 and CS5 identify Sapcote as a 'Medium Central Village' (along with the settlements of Littlethorpe, Huncote, Cosby and Croft). Sapcote has a minimum combined housing requirement of 815 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement, 1166 houses had been completed across the medium central villages as of 31<sup>st</sup> March 2024, resulting in the minimum requirement having been exceeded by 351 dwellings.

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

The application site is located outside of the Settlement Boundary of Sapcote 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 3.53-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 Sapcote 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. Moreover, Policy CS5 states that Sapcote does have limited public transport, however, there has been a recent introduction of Fox Connect, the demand responsive public transport, which has made Sapcote more connected with other settlements and the wider Blaby District.

The application site is approximately 0.4 miles away from the village centre by road (where there are shops and other facilities such as a public house), Furthermore, the application site is located approximately 0.5 miles away or an 11 minute walk from the closest primary school, All Saints Church of England Primary School, Sapcote which has capacity for 420 with an intake of only 306 pupils forecast to be enrolled here.

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.

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

The application site is situated outside the Settlement Boundary of Sapcote, 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, DM2 and FV8 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.

Moreover, Policy FV8 provides further specific guidance for housing located outside of the limits to building development as defined of the settlement policies map for the Fosse Villages Neighbourhood Plan (2021). This policy outlines what supporting documents should be submitted for the type of housing development that is being applied for.

The site does not fall under any of the categories identified in Policies DM2 and FV8 and is contrary to both policies CS18, DM2 and FV8. 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.

Policies DM2 and FV8, 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. Furthermore, it is described as Regional Character Type 5a 'Village Farmlands' within the 5a the East Midlands Regional Landscape Character Assessment (2010).

At a local level, the Blaby Landscape and Settlement Character Assessment identifies the site as being situated in the Stoney Stanton Rolling Farmland which covers much of the southern parts of the landscape of Blaby District. The condition of the area is described as follows:

*"This LCA is located towards the south western tip of the district. The M69 marks its northern boundary. The settlements of Stoney Stanton and Sapcote are enclosed within the LCA. Landform is gently rolling and land use is predominantly arable agriculture, with some grazing and pony paddocks close to the urban fringe. Former quarrying activity influences the landscape, with water based activities often now occupying the associated manmade lagoons. The landscape is relatively settled with several large villages. The low-cut hedgerows and undulating landform results in relatively open views which have a mixture of rural and urban influences"*

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 during construction.

Moreover, following the completion of the development it is recognised that those properties along Leicester Road and the holiday let which adjoins the site to the west would have a moderate adverse impact to their visual effects, however, this can be mitigated through the use of appropriate landscaping and design. Additionally, the visual effects upon residents of properties off Netherfield Drive are considered to be no greater than Moderate-Minor Adverse in the short term, reducing to Minor Adverse at year 15. Finally, properties off Calver Crescent to the southwest of the site and properties off Sharnford Road to the south of the site have a number of properties where potential views of the proposals can be seen, this impact is stated to be minor adverse for the short and long term of the development.

The site lies within National Character Area 94 'Leicestershire Vales' and Character Type 5a 'Village Farmlands' within the East Midlands Regional Landscape Character Assessment (2010). It is considered that there will be Negligible landscape effects upon the character area and type identified within the national and regional assessments. 7.5 At a district level the site lies within the Landscape Character Area (LCA) 'Stoney Stanton Rolling Farmland'. Landscape effects on the LCA are considered to be Minor Adverse / Negligible upon completion becoming Negligible in the long terms as proposed green infrastructure within the site matures.

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

Policies CS7, CS8, DM11 and FV12 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, DM11 and FV12 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 (20 dwellings) which weighs in favour of the development and will help towards addressing 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, DM11 and FV12.

## **Design and layout**

Policies CS2, DM2 and FV6 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, DM2 and FV6 are consistent with the NPPF paragraph 131 and can therefore be given full weight.

The application site is located on the eastern edge of Sapcote, with established residential development to the west with small pockets of development to the east such as, Paradise Found and housing surrounding Glebe Farm. It is therefore in an urban/rural fringe location with a semi-rural character. The site will partially back on to some properties along Leicester Road (B4669) and a holiday let to the north west of the site. These properties vary in design with the properties along Leicester Road, Granitethorpe Cottages which are classed as an NDHA are two and a half storeys in height and design with dormer windows to the principal roof slope. The holiday let to the rear of the site is single storey and is a modern design.

The illustrative framework plan is not for approval at this stage but provides details of how the site could potentially be developed. It shows open space being spread to the fringes of the site and largely concentrated to the north-western corner of the development, with the proposed SuDs feature to be located to the most northern



corner of the site. There are smaller areas of open space proposed along eastern boundary of the site and vegetation is to be retained along the front of the site and a footpath which is to run clockwise from the play area of the north-western corner of the site to the entrance into the development.

The main access road split off into two directions (east and west) which subsequently would split into a further northern and southern road within the site to create a grid. The main spinal road as such would run through the centre of the site from east to west with the secondary streets branching off on either side, linked to the main spine road which provides clear navigation through the site. Whilst only indicative, the illustrative plans show the eastern 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 in front of. This would provide the ability to retain the quarry vegetation on the eastern 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 and SuDs features (42% of the site), the total area of the site being developed equates to 1.36 hectares (58% of the site). The density of the proposed development therefore equates to approximately 20 dwellings per hectare across the whole site and around 34 dwellings per hectare within the built areas, 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 20 dwellings per hectare is appropriate for an edge of settlement location, which is considered to be in line with the surrounding area.

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 be reflective of the prevailing character of the area, which would be a factor which weighs favourably in the planning balance.

## **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, access to the site is a matter for consideration at this stage. The LHA comments that the site access on Leicester Road is shown to operate within the practical limit of capacity in all scenarios.

The proposed access for this development consists of a bellmouth with a 5.5-metre carriageway width, 6-metre corner radii and 2-metre wide footways on both sides. This would accord with Tables DG1 and DG5 of Part 3 of the LHDG.

The LHA did comment that whilst the Vehicle Tracking Refuse drawing (Pell Frischmann, drawing number 109216-REF-ZZ-XXD.DR-H-00002) contains swept path analysis for a refuse collection vehicle measuring 11.2 metres in length accessing and egressing the proposed access in both directions. The analysis is for speeds of at least 15km/h which the Applicant has confirmed that it was undertaken.

Vehicular visibility splays of 2.4 metres by 65 metres have been demonstrated in both directions of the site access. This is in accordance with Figure DG2a and Table DG4 of Part 3 of the LHDG for the recorded 85th percentile vehicle speed data submitted with the application, which were 38.6mph westbound and 39.7mph eastbound. An officer from the LHA visited the site and noted that a lamp column could hinder the vehicular visibility splays and may need to be relocated. The Applicant has acknowledged this and agreed to this.

The application proposes a single vehicular access off Leicester Road, a classified B road subject to a 30mph and 40mph speed limit. The new access is located close to the existing agricultural access and this existing access is to be closed. Furthermore, the LHA have commented that:

*“Leicester Road has a speed limit of 40mph, and the submitted speed survey data obtained by an Automatic Traffic Counter (ATC) survey indicates that 85th percentile vehicle speeds would not exceed 40mph. The LHA is also content that Leicester Road, at the location of the proposed access, is not rural in nature, does not form a bus-corridor or has bus-priority measures, is not at or near capacity, and does not have an existing problem with highway safety. Consequently, Section IN5 does not apply in this instance.”*

Overall, the LHA advise that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and planning obligations outlined within this committee report.

## Pedestrian access and walking, cycling and wheeling infrastructure

The site would be connected to an existing footway along Leicester Road (B4669) which provides a link to Sapcote village. It is proposed to widen this footway between the site access and the village to 2-metres, and to trim the vegetation to provide appropriate height clearance to the footway. Sapcote village centre, and part of Stoney

Stanton, are 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 (i.e. a doctor's surgery and chemist), places of worship, parks and recreational facilities. Walking is therefore a potential mode of travel for future residents.

Moreover, the Transport Assessment indicates that several settlements are within a 5-kilometre cycle distance of the site, including – but not limited to – Narborough, Hinckley, Earl Shilton, Sharnford and Broughton Astley. Notwithstanding this it is acknowledged that cycling infrastructure is currently limited in the vicinity of the site, which may present barriers to some future residents. Nevertheless, cycling remains a potential mode of travel for future residents.

The application also proposes to create a pedestrian access into the development and improve the footway along Leicester Road from the site into Sapcote. This is a welcome addition and can be utilised by the wider residents of Sapcote.

It is noted that the LHA have raised that consideration should be given to providing a direct pedestrian / cycle link to Public Right of Way (PROW) Bridleway V44/1 which runs along the northwestern boundary of the application site. However, the Applicant has noted that they have explored the option to connect pedestrian/cyclists onto Bridleway V44/1, but it is understood that there is a third-party land constraint. Therefore, connecting into the PROW is considered to be undeliverable. The connection would also not improve accessibility to key facilities for much of the site given the PROW is located in the north-western corner of the site. However, the key desire line for residents is south/west. Subsequently, for much of the development it would be more convenient to use the main access and would only form a very negligible time benefit to residents located in the north-western corner of the site.

It is considered that the improvement to the pedestrian footpath along this stretch of Leicester Road into Sapcote would create an opportunity to better link the development to the various facilities in the village, including shops and the primary school, thereby encouraging more sustainable travel by future residents of the development.

#### Trip generation and distribution

A Transport Assessment has 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 concludes that there will be 50 two-way trips in the peak AM and 52 two-way trips in the peak PM with a distribution of 54% of trips routing east and 46% of trips routing to the west. The Modal split for transport is listed in the table below;

**Table 3. Modal Splits**

Method of Travel to Work	Modal Split
Car Driver	85%
On Foot	5%
Car Passenger	4%
Bus	2%
Bicycle	1%
Train	1%
Motorcycle	1%
Other	1%
<b>Total</b>	<b>100.00%</b>

Source: Mamie – Office for National Statistics

The LHA is content that the trip rates provided are robust.

The LHA did not consider the way of predicting trip distribution to be robust. Nevertheless, the LHA also undertook its own trip distribution and assignment assessment, using 'Census Journey to Work' data (2011) for distribution and an internet route finder tool for assignment, and is content that the trip distribution is acceptable. The PICADY model produced the following results for the 2029 base and development scenario:

**Table 7. Site Access Capacity Assessment**

Arm / Movement	AM Peak			PM Peak		
	Queue (PCU)	Delay (s)	RFC	Queue (PCU)	Delay (s)	RFC
<b>2029 Base + Development</b>						
Site Access	0.1	7.38	0.08	0.0	7.14	0.04
Leicester Road East – Right/Ahead	0.0	6.31	0.02	0.0	6.40	0.03

This indicates that the site access would operate within capacity. Whilst the actual junction models have not been submitted, given the low Ratio to Flow Capacity (RFC) values, the LHA is content that the submission of these models are not required.

### Travel Plan

The LHA requests contributions to secure the following:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

### **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.

To mitigate the development's impact on the current runoff regime it is proposed to incorporate surface water attenuation and storage as part of the development proposals. In brief, the development will continue to discharge surface water to the brook at an appropriate rate. Attenuated surface water storage will be provided in the form of a SuDS detention basin with capacity for the 1 in 100-year storm with an allowance for climate change.

Surface water from the proposed development is to be drained by a series of rainwater pipes, channel drains, road gullies and swales. Surface water will be conveyed through the development within underground pipes and roadside swales and into a conveyance swale before ultimately draining into a detention basin for attenuation prior to discharging into the existing brook at the northwest site boundary at a restricted rate.

The LLFA considers that the proposals are considered acceptable however, have requested a number of conditions regarding surface water drainage schemes, long term management of this and infiltration testing to be added to the decision notice should the application be approved.

Regarding foul water this will be drained from the proposed development separately to surface water. Based on level constraints within the site and the locations of the nearby public sewerage infrastructure, foul flows from the development cannot drain via gravity. Therefore, it is proposed that foul flows will be collected and conveyed through the development towards a Type 3 pumping station, located within the northwest corner of the development.

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 and Policy FV6 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 Sapcote, and so would be located in reasonably close proximity to some existing residential properties, in particular backing onto the gardens of properties on a collection of terraced houses along Leicester Road and holiday let to the north of the site. The vehicular access to the site would not be located opposite to any dwellinghouses and would run adjacent to the Telephone Exchange. The Illustrative Masterplan shows that areas of public open space will largely be located to the north west of the site and will boarder the boundary to the holiday let.

In general, the positioning of open space adjacent to existing holiday let which directly borders the development site boundary will alleviate any concerns regarding overlooking, loss of privacy or loss of light to existing properties and ensure appropriate separation distances are maintained. Whilst it is noted that a proposed play area is shown on the Illustrative Masterplan within the northern area of the site, quite close to the rear of the holiday. 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.

Given the location of the access to the development site, it is not considered this would cause undue disturbance to the residents residing along Leicester Road given the location of the Telephone Exchange which is directly adjacent to the site access.

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 Policies DM2 and FV6.

### **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 secondary education, Post-16 education, libraries and waste were 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, however, these are subject to the provision that these monies are CIL compliant.

### Education provision

Regarding primary education, the development will yield 24 primary aged children. When taking into account primary schools within a two-mile walking distance from the development there is not a deficit of spaces in either school. Therefore, a monetary contribution is not required.

Regarding secondary education, the development will yield 14 secondary aged children. There is a deficit in numbers for secondary education by 24 and as such, a contribution of £238,823.36 has been requested.

Regarding post 16 education, the development will yield 3 post 16 aged children. There is a deficit of 86 places within the nearest post 16 school, the Thomas Estley Community College, which is within 3 miles of the development. As such, a contribution of £51,023.28 has been requested.

### Libraries

The nearest library to the development is Sapcote 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 £2,415.82 is sought to provide improvements to the library and its facilities.

### Waste contribution

A contribution of £3,962.40 is sought to be used for site reconfiguration, including the development of waste infrastructure to increase the capacity of Barwell 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 £61,952.00 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.

## Police

Leicestershire Police requests a contribution of £16,790. 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. These monies are subject to ensuring that this contribution request is CIL compliant.

## Bins

The recently adopted Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document (September 2024) sets out that the Council will seek and encourage developers to make contributions appropriate to provide suitable facilities for recycling and waste collection, for example wheelie bins. Paragraph 4.3.34 notes that to cover the cost of bins for refuse and recycling, £49.00 per household will be sought on all major schemes. A contribution of £3,920 would therefore be required of a scheme of 80 dwellings.

## Other matters

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 existing facilities and services within the locality of the development as Sapcote does rely on other villages for GP facilities. The requested S106 monies are indicated to ensure that the existing GP facilities are not stretched and can cope with the additional pressures that the development may cause.

## Utilites

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 informal open space and provision for children and young people should normally be provided within the development for 50-99 homes.

### 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 80 dwellings would have a total population of 192 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 1.36 hectares of open space will be provided on site, predominantly along the north-western edge and eastern edge of the site, along the field boundary. The on-site open space comprises the informal open space and children and young people's space.

Type of open space	Amount per 1000 population in ha (Delivery DPD figures)	Amount for development in ha (492 population)	Actual Provision in ha
Informal Open space	1.0	0.19	
Children and Young People's Open space	0.06	0.01	
<b>TOTAL</b>		<b>0.20</b>	<b>1.36</b>

The overall amount of open space proposed exceeds the requirement of 0.20 hectares for those open space typologies being provided for on site. This amount of open space does also not take into account land used for SuDs and the pumping station 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

Given the number of dwellings proposed, off site contributions are not required for this development.

#### **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 into 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 4.01ha 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**

### 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 immediate surrounding areas, those located within the wider area (within 400m of the site) include;

- Sapcote Methodist Church – Grade II – situated approx. 300m to the west of the application site.
- Grade II listed Mile Post on the junction of Leicester Road/Grace Road – situated approx. 310m to the west of the application site.
- 17 Sharnford Road – Grade II – situated approx. 390m to the south-west of the application site.

There are also some NDHA situated adjacent to the site boundary;

- Granitethorpe Cottages – six terraced red brick houses with a date plaque that reads '1875', immediately bordering the application site's southern boundary.
- The site of Granitethorpe Quarry – situated approx. 100m to the n/w of the application site.
- Post-medieval Windmill – situated immediately adjacent to the eastern site boundary of the application site.
- The site of Sapcote Quarry – situated immediately adjacent to the eastern site boundary of the application site

The Principal Planning and Conservation Officer has concluded that overall, there will be very low, perhaps even negligible harm to the setting of NDHAs;

*"I note that the site area where the residential development is proposed would be contained entirely within a single parcel of land occupying the space between the telephone exchange and terraced dwellings at Granitethorpe Cottages to the west and Sapcote Quarry to the east. The site would also be constrained by Leicester Road to the south, a public right of way to the west and field boundaries to the north. A portion of land extending to north would be utilised for on-site drainage in the form of a balancing/attenuation pond.*

*I am familiar with the locality, and I am aware that a similar, large residential development was approved for David Wilson Homes off Grace Road in Sapcote, to the west of Granitethorpe Quarry and to the south of Stoney Cove.*

*The closest listed building that is likely to be impacted by the proposed development would be the Methodist Church on Leicester Road. The presence of long-established residential dwellings surrounding the church means that its immediate/intermediate and wider setting have already experienced significant change. It would be difficult to argue that this significant change hasn't altered the way in which the church is experienced, though the presence of the thatched terrace (39 – 43 Leicester Road) provides a historical reminder of what the church's setting would have compromised in the early 1900s when the church was built. I would also add that the heritage values that make a telling contribution to the church's significance are derived from its archaeological, architectural/artistic and historical interest rather than its wider setting.*

*To that end, given the presence of the long-established buildings that intervene the site and the Methodist Church, I do not consider that the application site makes a meaningful contribution to the church's setting and do not consider there would be harm to its heritage significance.*

*The HS notes that distant views of the Church of All Saints spire can be achieved from within the application site, but existing vegetation, intervening distances and the presence of established buildings obscures predominantly obscures these views. In a similar vein, the church's heritage interest is derived from its archaeological, architectural/artistic and historical interest, rather than the wider setting where the application site is located. It is likely that historically, and prior to the expansion of the settlement, greater views of the church and its spire may have been achieved from within the application site. In addition, any historical links that the site may have had*

*with the church in a way which would have positively contributed to its wider setting have been significantly eroded, and to that end, I think it would be hard to argue that the application site makes a meaningful contribution to the setting of the Church of All Saints. On this basis, I consider there would be no harm to its heritage significance.*

*For similar reasons, I agree with the conclusions of the submitted HS and consider that there would not be harm caused to the wider setting of the other designated heritage assets that I have listed above, earlier in this response.*

*The proposal will potentially have a greater impact on the setting of non-designated heritage assets, in particular the quarries and Granitethorpe Cottages. The quarries will not be affected physically, but the presence of an intensive residential development will erode their previously, rural setting. Providing a natural buffer of native planting between the proposed housing and the quarry itself is likely to negate some of the potential harm, which at present would be no more than the lower level of 'less than substantial'.*

*The HS comments that the NDHA status of Granitethorpe Cottages is "moot", suggesting that they are not worthy of such status. I tend to disagree with this, but I understand the rationale as the cottages have undergone various alterations and extensions, some of which are unsympathetic with their architectural appearance and built form, but nonetheless, they still stand as a reminder of the settlement's historical quarrying industry of the past. The present curtilage of the cottages is still generally consistent with its historical curtilage and as such, the application site's previous agricultural use does not appear to be directly linked or associated with the cottages in question. The erection of the telephone exchange has not had an endearing or positive influence on the cottages' setting, and is visually jarring in terms of its design and appearance.*

*The loss of the agricultural land to the rear of the cottages is likely to represent a considerable, visual change to the setting of the cottages, but I think it would be difficult to argue that this would be anything greater than the lower level of 'less than substantial' harm. I agree that some generous planting to the rear of the curtilage of these properties is likely to mitigate any harmful impacts, and preserve the historical footprint of their curtilage."*

As such and having regard to paragraph 209 of the NPPF, the benefits of delivering this development outweigh the very low, perhaps even negligible harm to the setting of NDHAs.

### Archaeology

The archaeological potential of the site has been assessed through an Archaeology report, geophysical survey. Further post determination trial trenching and field evaluation was later submitted at the request of Leicestershire County Council Archaeology.

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site lies in an area of archaeological interest. A Roman villa, first noted in 1770 with the discovery of a tessellated pavement and building foundations, is

recorded less than 200m to the southeast of the application area (HER Ref: MLE283). Further structural remains were discovered in the 20th century along with various finds including pottery, coins and tile in the area of the former Calver Hill Quarry. North of the quarry a bath house, tesserae workshop and two bowl furnaces were also recorded.

Leicestershire County Council Archaeology commented that in view of the evidence from the surrounding area the site is considered to have good potential for the presence of archaeological remains relating to Roman activity, including settlement and occupation. Whilst the surveys submitted from the Applicant has not identified any positive evidence for archaeological activity here, it has not established their absence either. The report shows a number of anomalies for which an archaeological origin has not been ruled out by the surveyor. Of particular interest is a strong magnetic anomaly identified in the southeastern area of the site which could represent the remains of a kiln, furnace or oven. As such, the likely significance of any remains present cannot be determined without the further information intrusive investigation would provide (extent, date, character and nature of archaeological remains). Given the limitations of geophysical survey as a means of archaeological evaluation, it was County Archaeology recommendation that the application should be supported by a programme of pre-determination trial trenching in order to test identified anomalies, in addition to any geophysical 'blank' areas.

As such, the Applicant provided a further archaeological evaluation report dated September 2024. The report found no significant archaeological remains during the evaluation. Most of the archaeological features revealed across the site related to medieval, post-medieval and modern agricultural activity, including furrows and former field boundaries. Leicestershire County Council Archaeology have confirmed that they are happy with the additional report and as such, no further archaeological involvement will be required.

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 June 2024 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 Environmental Management Plan requested by the Local Highway Authority.

A noise impact assessment is also required due to the nearby road and other local noise sources and has been conditioned accordingly.

## Quarries

The site is adjacent to both Granitethorpe Quarry to the north and Sapcote Quarry directly adjacent to the east. Whilst both quarries have not been worked for many years, both are covered by an extant mineral planning permission (code ref: A124/48). This permission was registered as dormant in Leicestershire County Council's First List of Mineral Sites as a requirement of Schedule 13 to the Environment Act 1995. This means that mineral extraction would be able to recommence following an application to review the existing mineral planning permission.

It is considered that should either quarry put forward an application to review the existing mineral planning permission then consideration would also be given to the built development within the locality at this time.

## **Ecology and Biodiversity**

### Ecology appraisal

An Ecological Appraisal has been submitted with the application, based on the results of a desktop study, alongside habitat maps and the statutory Biodiversity Net Gain (BNG) metric. The Applicant also submitted a further ecological technical note at the request of Leicestershire County Council Ecology.

The appraisal does not consider that the proposed development would have an impact on any statutory designated sites. The appraisal identified a total of 32 non-statutory designated sites within 1km of the Site boundary. One of these, Leicester Road mature ash tree pLWS (preliminary local wildlife site) falls within the site boundary (T2), potentially meeting LWS criteria with a girth of 3m or more. Mature trees are a priority habitat within the Leicester, Leicestershire & Rutland Biodiversity Action Plan. They are an important habitat resource for hole-nesting birds, roosting bats, fungi, lichens and saproxylic insects. This tree (T2) will be retained and buffered within the development, with tree Root Protection Areas (RPAs) enforced during construction. This tree is the retained under this development and will be integrated into the design of the development to ensure it is protected during construction.

The potential for protected species or habitats to be present on site and impacted by the proposals has been assessed. The site is not considered exceptional for bat activity nor species composition and is considered absence of Great Crested Newts. Badger Setts within the survey area were considered to be active/partially-active outlier setts, The green infrastructure proposals will enhance the foraging opportunities for badgers within the site, with species-rich grassland and native scrub planting including fruit bearing native species.

The proposed land use change to residential dwellings will lead to a loss of open habitats suitable for the possibly breeding skylark having a potential minor adverse impact on this species at the Site level. As no other breeding species were present in the open habitat during the survey, the proposals will have Negligible effect on the breeding bird assemblage

The Leicestershire County Council ecologist has commented given the close proximity of the RIGS and LWS site, the impact assessment is not considered detailed enough as it has only considered human disturbance as a potential impact. A more comprehensive impact assessment on local sites should be provided with recommendations of mitigation to reduce these impacts. As such, the Applicant submitted a further technical note dated September 2024 for review which states that mitigation measures will be incorporated within the final design of the development and further information will be provided as part of the Construction Environmental Management Plan. Leicestershire County Council Ecology were satisfied with this and have no objection to the application subject to the inclusion of conditions.

### Biodiversity Net Gain

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

A Biodiversity Net Gain Assessment has been submitted, the assessment utilises the Metric 4.0 calculation. This assessment indicates that an improvement of well over 10% can be implemented on site. A 45.20% is to be achieved of net gain for habitat units and a net gain of 20.82% is to be gained of hedgerow units. There are not watercourse units on this development site and therefore, a net gain is not required for these units.

The BNG monitoring 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 which is to be monitored.

### **Arboricultural implications**

A Tree Survey has 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. There are no Category U (unsuitable for retention) on the site and no



Category A (high quality). There is a range of Category B and C trees on site which are located to the site boundaries, predominantly to the north western boundary of the site. The tree retention plan submitted as part of the application shows that all category B trees are to be retained with most Category C trees to be retained, excluding G1, H4 and G2.

The Leicestershire County Council arboriculturist have confirmed that they are satisfied with the tree survey however have made the following comments regarding the retention of certain trees;

*“The information provided in the tree survey appears accurate in terms of tree condition/remaining contribution, however, the number of Cat. C trees shown as being retained may warrant some consideration. Given the proposed layout of the development, there is an area where dwellings may be close to tree Group G3, which has signs of Ash Dieback Disease. As such, this could leave new residents with a requirement to undertake remedial works to trees to mitigate a likely decline in their condition. This group appears to sit in what will become an open green space within the development. As such, the developer should provide detail on who will be ultimately responsible for this tree group.”*

Whilst these comments have been taken into account, given this an outline application for the consideration for access only, specific details such as tree retention will be a matter for consideration at a Reserved Matters stage when the final layout has been agreed.

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 3.53-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 80 dwellings, including 25% affordable dwellings on a site which adjoins the Settlement Boundary of Sapcote, a Medium 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 then the subsequent Medium Central Villages.

This site for 80 dwellings does adjoin the village of Sapcote and benefits from a range of amenities within a three-mile radius of the site. 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 80 houses would weigh 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 on-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 Sapcote.

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. It is acknowledged that the proposed development would, however, erode the existing rural fringe to the eastern side of Sapcote but then density of this development is somewhat lower than other existing developments within the District and therefore, takes account of the area to ensure that this development is not high density and out of step with the housing development patterns of the area.

It is acknowledged that whilst the proposed development would also result in some 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 there are to be improvements to the pedestrian footpaths within this location to encourage walking within the village.

There are no technical constraints relating to flooding, heritage impacts, environmental constraints, archaeology or ecology that cannot be mitigated. The proposed development would provide open space typologies on site which meet and exceed the policy requirement. 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 to the built up edge of Sapcote 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.

Overall, the proposal would conflict with some policies of the Development Plan, in particular being contrary to Policies CS2, CS18, FV8 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.

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