

**Blaby District Council
Planning Committee**

Date of Meeting **13 February 2025**
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 **03 February 2025** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	24/0004/FUL	11	Land off Gillam Butts, Countesthorpe	APPROVE
	24/0527/OUT	69	Land off Oak Road, Littlethorpe	APPROVE
	24/0874/FUL	122	The Works, Aston Lane, Sharnford	APPROVE
	25/0016/VAR	138	Bouskell Park, Welford Road, Blaby	APPROVE

3.3 Appropriate Consultations

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

3.4 Resource Implications

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

4. Other options considered

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

5. Background paper(s)

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

6. Report author's contact details

Kristy Ingles

Stephen Dukes

planning@blaby.gov.uk

Development Services Manager

Strategic Growth Manager

0116 272 7705

24/0004/FUL

**Registered Date
22 January 2024**

Hampton Oak Developments Limited

**Full Planning Application for the Development of 41
Dwellings and Associated Infrastructure**

Land Off Gillam Butts, Countesthorpe

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

**RECOMMENDATION: THAT APPLICATION 24/0004/FUL BE APPROVED
SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT
TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE
THE FOLLOWING:**

- 25% Provision of Affordable Housing
- Affordable Housing Commuted Sum
- Primary Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/enhancement/management
- Contributions towards, travel packs and bus pass provision
- Recycling and refuse contribution (wheeled bins)
- S106 Monitoring – District and County Councils

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

1. Statutory time limit
2. Development to be in accordance with approved plans
3. Details of all external materials to be submitted, agreed and adhered to.
4. Details of all boundary treatments to be submitted, agreed and adhered to.
5. Details of all hard landscaping to be submitted, agreed and adhered to.
6. Construction Management Plan to be submitted, agreed and adhered to during development
7. Details of site/finished floor levels to be submitted, agreed and adhered to.
8. Details of external lighting to public areas to be submitted, agreed and adhered to.
9. Arboricultural Method Statement including tree protection measures to be submitted, agreed and adhered to.
10. All existing protected trees and boundary hedges shall be retained
11. Soft Landscaping Scheme to be implemented in accordance with approved plans.
12. 30-year Landscape Ecological Management Plan (LEMP) shall be submitted and agreed and adhered to.

13. Construction Environmental Management Plan for Biodiversity (CEMP) shall be submitted and agreed and adhered to.
14. Surface water drainage scheme to be submitted and agreed and implemented.
15. Construction surface water drainage scheme to be submitted and agreed and implemented.
16. Details for the long-term management and maintenance of the surface water drainage scheme to be submitted and agreed and implemented.
17. Infiltration testing to be provided
18. Programme of archaeological work to be completed, submitted and agreed and implemented.
19. The development shall be carried out in accordance with the Geo-Environment Assessment.
20. Reporting of unexpected contamination
21. Access arrangements to be implemented in full.
22. Parking and turning facilities to be implemented in full.
23. Parking to be retained in perpetuity
24. No gates, access gates, barriers, bollards, chains etc to be erected.
25. Drainage to be provided within the site such that surface water does not drain into the public highway including private access drives.
26. A waste collection strategy to be submitted and agreed.
27. Bathroom windows to be obscurely glazed
28. Removal of Permitted Development Rights for boundary treatments on selected plots
29. Removal of Permitted Development Rights for additional floors
30. Removal of Permitted Development Rights for additional windows on selected plots.
31. Removal of Permitted Development Rights for extensions on selected plots.

NOTES TO COMMITTEE

Relevant Planning Policies and Guidance

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

Policy CS1 - Strategy for locating New Development
Policy CS2 - Design of New Development
Policy CS5 - Housing Distribution
Policy CS7 - Affordable Housing
Policy CS8 - Mix of Housing
Policy CS10 - Transport Infrastructure
Policy CS11 - Infrastructure, services and facilities to support growth
Policy CS12 - Planning Obligations and Developer Contributions
Policy CS14 - Green Infrastructure
Policy CS15 - Open space, sport and recreation
Policy CS18 - Countryside
Policy CS19 - Biodiversity and geo-diversity
Policy CS20 - Historic Environment and Culture
Policy CS21 - Climate Change
Policy CS22 - Flood Risk Management
Policy CS23 - Waste

Policy CS24 - Presumption in favour of sustainable development

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

Updated Policy CS15 - Open space, sport and recreation

Policy DM2 - Development in the Countryside

Policy DM4 - Connection to Digital Infrastructure

Policy DM8 - Local Parking and Highway Design Standards

Policy DM12 - Designated and Non-Designated Heritage Assets

Policy DM13 - Land Contamination and Pollution

National Planning Policy Framework (NPPF) 2024

Planning Practice Guidance (PPG)

Other Supporting Documents

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

Leicestershire Highways Design Guide

Blaby District Council Active Travel Strategy 2024

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance (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 2019)

Blaby Residential Land Availability Report (March 2024)

Blaby Strategic 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 – No objections subject to conditions in relation to land contamination and construction management.

Blaby District Council, Housing Options – No objections

Blaby District Council, Neighbourhood Services – Noted the need for an additional bin collection point.

Countesthorpe Parish Council – Objects to the application

Please see Appendix 1 for full comments:

East Midlands Ambulance Service – No comments received

Environment Agency – States that they will not be making any formal comment.

Leicestershire County Council, Archaeology – No objection subject to condition.

Leicestershire County Council, Developer Contributions – No objections.
Requested developer contributions as follows:

- **Waste** – £978.67 towards Whetstone HWRC
- **Libraries** – £1238.11 towards Countesthorpe Library
- **Primary Education** – £225,778.80 towards Greenfield Primary School
- **Monitoring fees**

Leicestershire County Council, Ecology – No objection subject to condition.

Leicestershire County Council, Forestry – No objection subject to condition.

Leicestershire County Council, Highways (LHA) - Following the submission of additional information, the Local Highway Authority advises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

The LHA requests conditions in relation to the submission and approval of a construction traffic management plan, the implementation of access arrangements and parking and turning facilities in full.

Contributions are sought for travel packs, bus passes.

Leicestershire County Council, Lead Local Flood Authority (LLFA) – No objection subject to condition.

Leicestershire Fire and Rescue – No comments received.

Leicestershire Police – No objection subject to condition.

Natural England – No comments received.

NHS, Leicester, Leicestershire and Rutland Integrated Care Board – Requested £31,750.00 towards local primary health care in the area, specifically, Countesthorpe Health Centre, Hazelmere Health Centre, Blaby and Northfield Medical Centre, Blaby.

Severn Trent Water Authority – No comments received

Third Party Representations

567 letters of representation were received, 561 of which objected to the application and 3 supported the application. The objections were centred around the following issues:

Highways Implications

- Inadequate road infrastructure in general and particularly at Station Road/Hallcroft Road Junction
- Single point of access onto station Road
- Cumulative impact of development throughout Countesthorpe and rate of change and associated highway implications
- Traffic safety, congestion, accessibility, capacity, Station Road/Hallcroft Avenue and wider Countesthorpe Foston Road/Leicester Road
- Pedestrian safety generally and particularly on Station Road
- Hallcroft Road at capacity
- Lack of parking and indiscriminate parking on existing roads
- Narrow footpaths
- Impedes emergency access
- Inadequacy of traffic survey generally and no consideration given to the cumulative impact of the Foston Road and Willoughby Road applications.
- Local train stations have insufficient parking to cope with additional demand
- Lack of cycle infrastructure

Planning Policy

- Unsustainable form of development
- Proposals are contrary to the local plan
- No strategic plan in place this represents piece meal development
- Inappropriate location for housing
- Countesthorpe not an appropriate location for further development
- Consideration should be given to the potential future development of the Garden Village at Whetstone Pastures

Housing Provision

- Housing commitment within Countesthorpe within the plan period exceeded
- Countesthorpe has taken its fair share of houses
- No need for housing
- Lack of affordable housing – no shared ownership
- Unaffordable housing
- Should be a focus on brownfield development
- Incorrect tenure – should be 100% affordable to make a difference
- Over development of housing in Countesthorpe
- Over provision of housing

Impact on Facilities and Services

- Lack of suitable developer contributions towards infrastructure improvements and improvements to facilities in the village.
- Limited of employment opportunities within Countesthorpe

- Insufficient and in adequate services, facilities and amenities – medical, schools, post office, banks, nursery, bus, petrol station open space, children's facilities and other leisure activities
- Impact on allotments – noise, dust, loss of amenity, security and safety, fear of crime
- Services are at capacity
- Poor bus services
- No links to park and ride
- Loss of water pressure
- Sewerage infrastructure cannot accommodate further growth
- Growth has not translated in an increase in community facilities
- Poor gas mains supply
- Lack of onsite facilities – play etc
- Poor quality internet

Character

- Loss of countryside
- Loss of village character and identity
- Cumulative impact of development throughout Countesthorpe and rate of change
- Village is and will be overpopulated
- Detrimental impact on character and appearance of the area, the landscape and village
- Extends the southern boundary of Countesthorpe

Environmental Implications

- Noise pollution
- Air pollution
- Light pollution
- Air quality
- Noise pollution
- Climate change

Ecological Implications

- Loss of agricultural land
- Loss of Biodiversity, ecology, wildlife, protected species, including badgers and Great Crested newts

Drainage and Flooding

- Flooding implications both existing issues and the cumulative impact from further development
- Sewerage infrastructure at capacity
- Drainage infrastructure at capacity
- Poor water pressure
- Aging and poor quality utilities

Miscellaneous

- Disruption during the construction phase
- President for further development along southern edge of Countesthorpe – illustrated by potential link

- Inadequacy of surveys – traffic and flood risk
- Loss of property value
- Increase in crime
- Potential archaeological remains on site
- Proximity to gas pipeline
- Mental health implications

Relevant Planning History

82/0856/1/OX	Site For Residential Development.	Refused	03.08.1982
13/0340/1/OX	Residential development of up to 40 dwellings with access off Gillam Butts (Outline)	Refused	22.11.2013
14/0232/1/OX	Residential development of up to 40 dwellings with access off Gillam Butts (Outline) (Re-submission)	Application Approved	29.08.2014
14/1096/1/MX	Residential development of up to 40 dwellings with associated landscaping and access off Gillam Butts (Reserved Matters)	Application Approved	18.02.2015
16/0315/FUL	Residential development of 28 dwellings, comprising partial re-plan of previously approved layout and plot substitution resulting in 15 additional dwellings.	Application Approved	22.09.2016
24/0001/FUL	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	Pending Decision	

EXPLANATORY NOTE

The Site

The application site comprises a roughly rectangular parcel of shrub land situated to the south of and outside the Settlement Boundary of Countesthorpe situated on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

The application site measures approximately 1.56 hectares located to the south of Gillam Butts, Countesthorpe. The site is generally level throughout and is bound by established field boundary hedges and trees on the eastern, western and southern boundaries, with the rear garden areas of dwellings along Southfield Close backing onto the site.

Countesthorpe village centre is approximately 800m to the northeast of the development site, which includes a range of local services and facilities, including shops, public houses and restaurants. Centenary Paddock is situated to the west providing open space, with the library and convenience stores located on Station Road.

The application site on land edged in red is situated within Flood Zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.

Land levels are generally levels throughout, with the exception of a ditch situated within the north eastern section of the site.

An Agricultural Use and Quality of Land survey found that the land is grade 3a and 3b agricultural quality. The implications and weight afforded to this matter in the planning balance is dealt with further on in the report.

The Proposal

The proposed development is for the construction of 41 dwellings with a proposed mix of 31 market housing comprising 7 x 2 bed dwellings (including 2 bungalows), 16 x 3 bed dwellings and 8 x 4 bed dwellings. The development proposes a further 10 affordable dwellings, comprising of 5 x 2 bed dwellings (affordable rent) and 5 x 3 bed dwellings (3 x affordable rent and 2 shared ownership).

The application proposes a mixture of single, two storey detached and semi-detached dwellings. The properties will be constructed in a mixture of facing brickwork and render in a traditional manner.

The scheme also proposes approximately 0.19 hectares of public open space within the western section of the development, including an area for the Sustainable Urban Drainage System (SuDS) pond situated within the north western section of the site at the site entrance and an area allocated for ecological enhancement to the west of the site.

Access into the site is proposed off Gillam Butts. The suitability and associated implications of such are set out in detail later in this report.

Off-street car parking is provided within the curtilage of each dwelling in accordance with current highway standards.

The development is arranged around a series of perimeter blocks served by a defined street hierarchy, including a tree lined central avenue and regular street pattern throughout with a clearly defined character and a pedestrian route encircling the site. The site is connected to the existing footpath network providing pedestrian access to the village centre.

Vistas throughout the site onto the adjoining countryside beyond are provided with views framed by the development. The scheme is generally outward facing, with the existing field boundaries retained and enhanced throughout the development which serves to visually soften the visual impact of the development. Given the scale of the site the plans show sufficient space to provide an attractive, relatively spacious development designed to minimise the visual impact on the existing environment,

whilst also retaining the character of the village and ensuring the protection of the amenities of future and adjoining residents.

The applicant has confirmed a willingness to enter into a Section 106 Agreement to secure, where appropriate, any Developer Contribution requests, which includes affordable housing, primary education, library, civic amenity and waste facilities, healthcare provision, open space, travel packs, bus passes, and any other contributions identified which meet the appropriate tests of necessity, being directly related to the development, and being fair and reasonable.

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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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 as of 1st April 2024 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 72 of the NPPF.

As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan in accordance with 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 61 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 78 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.

DEVELOPMENT PLAN

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

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

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

Policy CS1– Strategy for Locating New Development

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

Countesthorpe is situated outside the PUA and is defined as a Larger Central Village. Policy CS1 states outside the PUA, development will be focused within 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 aims to focus new development in the most appropriate locations. The policy identifies Countesthorpe as one of the Larger Central Villages in the District along with the settlements of Enderby, Narborough and Whetstone. Together these villages are required to accommodate a minimum of 1,250 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 indicates that new developments should be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with infrastructure providers, grant funders and other delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigates any adverse impacts of development.

Policy CS12 – Planning Obligations and Developer Contributions.

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

Any requests for contributions must be assessed by the Council under the requirements of Community Infrastructure Levy Regulations 2010. Section 122 of the Regulations set out in the 3 statutory 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 District Local Plan (Delivery) Development Plan Document (DPD) (2019)

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

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 2019). 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 within Countryside

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

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

Policy DM4 – Connection to Digital Infrastructure

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

Policy DM8 – Local Parking and Highway Design Standards

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

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 seeks to ensure that development proposals are not affected by, or cause, land contamination or pollution. Development proposals where land contamination may be an issue are required to clearly demonstrate that any unacceptable adverse impacts can be satisfactorily mitigated.

Leicestershire Highways Design Guide

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

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

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 2019)

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 (August 2024)

Shows the progress that has been made towards meeting the District’s housing requirements that are set in the adopted Local Plan (Core Strategy) Development Plan Document (2013). The residential land availability position is monitored on an annual basis and this statement shows the latest published position as of 31st March 2024.

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
- Residential Amenities
- Developer Contributions and infrastructure/facilities
- Open Space, Sports 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 made for the development needs of settlements outside the PUA.

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

As of March 31st 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 2924). 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 Blaby and the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', as identified in the Housing Distribution Policy CS5 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 300 further homes may be completed in the non-PUA before 2029.

Although delivery is now slowing in the non-PUA (mainly as a result of a lack of available committed sites) opportunities to deliver housing development of a type and scale needed to facilitate an increase in delivery in the near term are greater in the non-PUA than the PUA mainly due to the constrained nature and large scale of the sites being promoted for development in the PUA.

This Planning Committee has recently resolved to grant outline planning permission for three sites in the non-PUA, 23/0182/OUT – Land off Croft Road, Cosby (up to 200 dwellings), 23/1071/OUT – Land adjacent to Foston Road, Countesthorpe (up to 170 dwellings) and 24/0001/OUT – Land off Willoughby Road, Countesthorpe (up to 185 dwellings) and 24/0511/OUT – Land off Leicester Road, Sappcote (up to 80 dwellings).

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 2024, resulting in the minimum requirement having been exceeded by 85 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 (when also taking into account the outline planning permission for up to 170 dwellings now granted in 23/1071/OUT at Foston Road and the 185 dwellings resolved to be approved under planning permission 24/0001/OUT at Willoughby Road) 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 an area or asset of particular importance protected within the provisions of footnote 7, and therefore the NPPF's presumption in favour of sustainable development and the 'tilted balance' described in paragraph 11d(ii) applies. The shortfall in the supply of deliverable housing sites should therefore be weighed in the planning balance and means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits if planning permission is to be refused.

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

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

Whilst the lack of employment opportunities in the village is acknowledged, it does otherwise have a good range of services and facilities. The application site located some 800m from the village centre by road (where there are a number of shops and other facilities), with Greenfield Primary School being a similar distance away on foot, and the secondary school (Countesthorpe Academy) is approximately 1 mile from the site. The site is connected to the existing footpath network providing pedestrian access to the village centre and with reasonable access to public transport and thus integrated into the settlement of Countesthorpe, which has direct linkages into Blaby and to Hinckley and Leicester.

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 acknowledged that the 'overprovision' of housing in one of the Larger Central Villages poses a risk of the spatial strategy of the district as it would concentrate residential development within the non-PUA. It is also acknowledged that together with the 170 dwellings approved at Foston Road, under planning permission 23/1071/OUT and the 185 dwelling resolved to be approved at Willoughby Road under planning permission 24/0001/OUT, an additional 396 dwellings are added to Countesthorpe's housing numbers, which together with the 82 already built over the minimum requirement would total 478 dwellings over the minimum requirement of 520 during the Local Plan period which should be given weight in the decision making process. It is necessary to note that whilst policy CS5 sets a requirement of 520 dwellings, this a minimum requirement, not a cap. Of significance and critical to the determination of the application, is the fact that the Council is unable to demonstrate a five-year housing land supply and as such the 'tilted balance' is engaged, which as discussed places significant weight on the provision of houses and that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

Impact on the countryside and landscape/visual impact

The application site is situated to the north of and 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.

In addition to policies within the Local Plan, Paragraph 84 of the NPPF sets a presumption against isolated homes in the countryside and recognises the intrinsic value of the countryside, it also sets out circumstances where isolated housing may be acceptable in the countryside and this policy is material to the consideration of the proposal. These circumstances include.

- provision of essential worker dwellings (Paragraph 84(a));

- the reuse of existing redundant or disused buildings where there would be enhancements to the immediate setting (Paragraph 84(c)) and
- the development would involve the subdivision of an existing residential building (84(d)).

The site does not fall under any of the categories identified in Policy DM2 and is therefore 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 to countryside location in the NPPF, however it is considered that the site is not isolated being contiguous and well related to other development in Countesthorpe.

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 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.

However, broadly it is considered that policies CS18 and DM2 are consistent with paragraph 187(b) of the NPPF which provides that Planning policies and decisions should contribute to and enhance the natural and local environment by "recognising the intrinsic character and beauty of the countryside". As such any conflict with CS18 and DM2 does carry some weight as both policies are considered to remain broadly consistent with the NPPF.

However, the extent to which proposals conflict with these policies needs to be considered having regard to the extent to which "*proposals have significantly adverse effect on the appearance or character of the landscape*" (CS18 para 2) and the extent to which "*the need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations*", (CS18 para 4) as well as the extent to which the development is in conformity of the General Criteria A-C of Policy DM2. These criteria require that development is in keeping with the appearance and character of the existing landscape, development form and buildings, 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, and the development will not undermine the vitality and viability of existing town, district, and local centres.

Landscape Character Assessment

A Landscape and Visual Impact Assessment has been submitted with the application. The application 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 Landscape Character Area (LCA) 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 LCA has a limited to medium sensitivity to small scale housing and that the southern boundary of Countesthorpe is relatively well defined and well-vegetated. It notes that that some properties extend along Peatling Road and Willoughby Road.

Development should be avoided where it may further reduce the gap and therefore sense of separation between Countesthorpe and surrounding settlements particularly to the north, with future development seeking to improve the connectivity between the eastern and western parts of the village. Future development in this character area should seek to soften urban edges and filter views of infrastructure development with increased woodland cover and restore fragmented hedgerows and improve the hedgerow condition particularly in urban fringe areas.

The submitted Landscape Visual Impact Assessment concludes that the layout and proposed landscape enhancement respond positively to the local landscape character through the retention and enhancements of the existing field boundaries. These proposals ensure the development both enhances the existing landscape and the wider open countryside by softening the urban edges and filtering wider views of the development. Your officers concur with the assessment in this regard.

The assessment goes on to state the landscape enhancement proposals would ensure the scheme does not extend incongruously into the wider open countryside. It is clear that when viewed from a ‘birds eye’ perspective the site does project into the landscape beyond Gillam Butts which itself represents a similar projection.

The application site is located on land defined as countryside, whilst the countryside does have a functional purpose preventing the coalescence of settlements, it is noted that there are no affected settlements to the south of Countesthorpe and the mains gas pipeline acts as a defined barrier to further growth to the south of Countesthorpe. Furthermore the landscape to the south does not lie within a statutorily protected landscape designation and as such the application site is not therefore not considered to be strategically significant in this regard.

The site through the architectural design, its layout and landscaping proposals would integrate with the existing built form to the north and would not be wholly out of keeping existing adjoining and future development proposals. The proposal is relatively small

scale and would not be visible from long range views, this coupled with the retention and enhancement of the existing field boundaries along the edge of the site which retains a soft edge and provides screening, it is considered that whilst there are likely to be some adverse visual impacts on the landscape, these would be limited and localised. It is therefore considered that the development site itself would not represent an incongruous extension into the countryside that be sufficiently detrimental to the character of the area so as to warrant the refusal of the application.

It is acknowledged that residential development in the form proposed would be contrary to Core Strategy Policy CS18 of the Core Strategy (2013) and Policy DM2 of the Local Plan (2019) it is considered that these policies have reduced weight and that the proposed development would not cause undue harm to the landscape character of the surrounding area or the character of the Countesthorpe itself. The proposed development should therefore be considered in the context of paragraph 11d of the NPPF and the housing supply figures and whether any adverse impacts caused by the proposal significantly and demonstrably outweigh its benefits.

Affordable housing and housing mix

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

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

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.

The application proposes a housing mix which for 31 market housing comprising of 7 x 2 bed dwellings (including 2 bungalows), 16 x 3 bed dwellings and 8 x 4 bed dwellings. The development proposes a further 10 affordable dwellings, comprising of 5 x 2 bed dwellings (affordable rent) and 5 x 3 bed dwellings (3 x affordable rent and 2 shared ownership).

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

The June 2022 HENA shows that a total of 536 affordable houses per year (including 341 per year as social and affordable rented and 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 (10 dwellings) which weighs in favour of the development and will help to address the shortfall in the District. It should be noted that a 25% policy compliant provision of affordable housing would equate to 10.25 dwellings. The shortfall of 0.25 dwellings would require a commuted sum within the S106 to address the shortfall.

Blaby District Council's Housing Strategy Officers are supportive of the proposal subject to a condition securing the stated mix and through the Section 106 agreement. Accordingly, the proposal conforms 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. Policies CS2 and DM2 further seeks 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 policy Policies CS2 and DM2 are consistent with the NPPF paragraph 131 and can therefore be given full weight.

The application site is located at the edge of the village of Countesthorpe, with established residential development to the north. The site is located and has an urban/rural fringe, semi-rural character. The site backs onto properties along Southfield Close and is accessed off Gillam Butts. Existing properties within the area are predominantly two storey detached and semi-detached traditional red brick, partially rendered dwellings of varied scales and design which are arranged in a linear pattern fronting the highway. Dwellings directly to the north echo this character with a more modern aesthetic.

The application proposes a mixture of single, two storey detached and semi-detached dwellings to be will be constructed in a mixture of facing brickwork and render in a traditional manner reflecting the traditional local vernacular. Dual aspect buildings are proposed at key vantage points within the site to assist with legibility.

The site is accessed off Gillam Butts with dwellings arranged around strong perimeter blocks served by a defined street hierarchy, and regular street pattern throughout with a clearly defined character. The layout ensures dwellings front the new and existing highway which enables dwellings with generous rear garden areas, whilst protecting the amenities of new and existing residents.

The site includes a tree lined central avenue and a pedestrian route encircling the site. The site is also connected to the existing footpath network providing pedestrian access and ensuring the site is accessible, connected and integrated into the wider village. The scheme provides green space throughout the development and along the whilst ensuring the retention and enhancement of the exiting field boundaries to soften the visual impact of the development and enable the retention of the rural aesthetic of the area. The scheme also proposes approximately 0.19 hectares of public open space

within the western section of the development, including an area for the SuDS pond situated within the north western section of the site at the site entrance.

Parking is provided for within the curtilages of the proposed dwellings in line with the required standards.

It is considered that the development would respect the traditional and semi-rural character and appearance of the area in terms of its layout and design and provision of green space and ensuring the retention and enhancement of the existing field boundaries to soften the visual impact of the development whilst ensuring the development is well integrated into the existing settlement. As such it is considered that the proposed development complies with the NPPF, National Design Guide and Policies CS2 and DM2.

Transport and Highway Implications

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

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

Site Access

The application site is proposed to be accessed from a single access off Gillam Butts which is an adopted C-Classified Road residential estate road subject to a 30 MPH speed limit. Gillam Butts, as well as Tophall Drive and Hallcroft Avenue connect to the wider adopted highway network through a single point of access onto Station Road, a classified C road subject to a 30mph speed limit.

The proposed access follows the existing alignment of Gillam Butts measures some 5.5m in width with 2m wide footpaths either side. The Local Highway Authority (LHA) has assessed the proposed access provision, alongside the submitted Road Safety Audit, Transport Statement, Technical Note and tracking drawings and are satisfied that adequate visibility is achievable and have raised no highway safety concerns. The LHA have therefore determined that the access is safe and suitable for the proposed development.

Trip Generation

A Transport Assessment has been submitted with the application. The Transport Assessment considers the proposed traffic generation from the development and traffic distribution on the highway network.

The Transport Assessment assumes predicts 25 two-way trips in the am peak and 24 two-way trips in the peak. The LHA considered that the trip rates are marginally low, particularly when compared to those generated at the Willoughby Road development (24/0001/FUL). However, the LHA is satisfied that the proposed development would not result in any significant impacts on the transport network in terms of capacity or congestion.

Junction Capacity

With regards the capacity of the existing road network and the Station Road / Hallcroft Avenue / Gwendoline Drive junction have been assessed. Table DG1 of Part 3 of the Leicestershire Highway Design Guide (LHDG) state that no more than 150 dwellings would normally be served from a single point of access. This threshold can only be exceeded based on a robust evidenced justification to be agreed with the LHA. A technical note was produced that provided a manual survey to ascertain the number of dwellings that would be served by the Station Road / Hallcroft Avenue junction. This survey concluded that 206 dwellings are currently served from this junction, which would increase to 247 under the proposed development. The proposed development would therefore be contrary to Table DG1 of Part 3 of the LHDG.

The LHA has considered the requirements of paragraph 116 of the National Planning Policy Framework, which states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The LHA has also reviewed and considered the evidence and justification provided including junction modelling and is satisfied that there are no capacity issues at the Station Road / Hallcroft Avenue / Gwendoline Drive junctions. Given the scale of development proposed, and in the absence of any other highway issues, the LHA does not consider that a refusal on this basis could be sustained in this instance.

Internal Layout

Internally the road dissects the site in an east west direction, with a spur leading to the south. The east west avenue measures some 5.5m in width with a 2m footpath bounding the road to the south and a 2m footpath located to the north beyond a 1.25m grass verge. Approximately halfway through the site, a road measuring some 4.8m in width with by 2m footpaths on either side leads to the south of the site. Private drives serving housing along the edges of the site lead off the two main internal roads.

Parking is provided for within the curtilages of the proposed dwellings in line with the required standards.

Traffic calming measures are proposed including the introduction of speed cushions along the road within the site. The precise location and scale of the traffic calming measures will be determined through the detailed design technical approval stage.

The LHA are satisfied with the internal road layout in terms of highways safety which they consider to be suitable for the purposes of the planning application and future adoption, by the LHA.

Future Site Connectivity

The internal east-west avenue has been designed in such a way to enable the widening of the road and facilitate potential connections to adjoining sites to the east and west and accommodate future growth along the southern edge of Countesthorpe, should such sites come forward in the future. The current road measures some 5.5m which is consistent with a residential estate road, this when combined with the 1.25m grass verge (which is proposed to be adopted by the LHA) would enable the provision of a 6.75m distributor road through the site.

Whilst this would be over engineered for the scale of development, consideration has been given to the Willoughby Road development (24/0001/FUL) situated to the west of the site which provides a 6.75m wide access of Willoughby Road which could serve up to 1,000 dwellings, based on the guidance in the Leicestershire Highways Design Guide. Should the intervening land between the Willoughby Road development and the Gillam Butts come forward in the future and any development to the west, it is considered prudent to secure land to facilitate growth in this area.

It should be noted that access for any future links would be considered if and / or when an application is submitted. It is important to emphasise that the District Planning Authority is not currently aware of any proposals for development to the east or west but it is in the interests of good planning to considering connectivity were these sites to come forward and be considered acceptable for development at a future date.

Transport Sustainability

The nearest bus stops are located on Station Road within 650m of the site with a service to Leicester every 30mins at peak times.

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;

The Local Highway Authority has concluded 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. The LHA have concluded that based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework, subject to the conditions and/or planning obligations outlined in this report.

The application is therefore considered to accord with policies CS10 of the Core Strategy 2013 and DM2 of the Blaby District Council Local Plan 2019.

Flood risk and drainage

Paragraph 170 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 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 drainage

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 a section of the site close to the entrance of the site has a high risk of surface water flooding. The area of high risk has a 3.3% chance of flooding each year.

Paragraph 175 states that a sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

The proposed layout shows that the built development directed away from the area at high risk of surface water flooding and as such do not consider that a sequential test is required in this instance.

The number of objections regarding flood risk is noted, in particular reference to recent flood events during the winter of 2023/24 with 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. It is also acknowledged that the instances of such events are increasing.

The Lead Local Flood Authority have, however, reviewed the submitted Flood Risk assessment and drainage proposals and have concluded that they were satisfied that the site could be suitably drained, subject to a condition requiring the submission,

approval and implementation of a detailed surface water drainage scheme prior to commencement and further ground investigation to inform this. These conditions will be attached to any approval. Consequently, your Officers consider that there are sufficient controls to ensure that any surface water flood risk is adequately addressed and mitigated.

Foul drainage

In terms of foul water drainage, the applicant has liaised with Severn Trent Water Authority (STWA) and confirms that the nearest foul water sewer capable of receiving flows is within the highway on Gilliam Butts to the north of the site. STWA advised that a new / indirect connection to this sewer would be allowed subject to a formal S.106 sewer connection approval. Connections to the sewer are dealt with separately to the planning regime under a separate regulatory regime.

In conclusion, it is considered that the proposed development offers the potential for a good quality surface water drainage scheme to be developed which is based on sustainable principles. It is therefore considered that the proposal would comply with Policy CS22 of the Adopted Core Strategy 2013.

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.

The layout of the proposed development is arranged around defined perimeter blocks with dwellings fronting the highway whilst provided with generous rear garden areas. The layout enables suitable separation distances between the proposed and adjoining dwellings ensuring the protection of the amenities of existing residents and future occupiers.

The scale of dwellings is in context with the environment and ensures a satisfactory relationship between proposed dwellings. This in tandem with suitable boundary treatments and appropriate window arrangements ensure the protection of the amenities of new residents.

It is acknowledged that there is likely to be the impact arising from vehicular activity as a result of both traffic movements and associated headlights from vehicles leaving the development, it is however considered that level of movements would not be significant and the orientation of the buildings, the intervening separation distances, buildings and landscaping would serve to mitigate the impacts.

The application is therefore considered to comply with Policy DM2 of the Blaby District Council Local Plan 2019.

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 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Guidance (2024). This document sets the threshold for provision of such contributions as housing developments of more than 10 dwellings.

A request for funding towards primary education, 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 financial contributions towards improvements to Health Care facilities at Countesthorpe health Centre, Hazlemere Health Centre and Northfield Medical Centre.

Leicestershire County Council as the Local Highways Authority have also requested financial contributions towards travel packs and bus passes.

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 £2009 for the 41 dwelling development.

Based on the above and in accordance with the requirements of Regulation 22 of the CIL Regulations we are seeking contributions for the following;

- 25% Provision of Affordable Housing
- Affordable housing Commuted Sum
- Primary Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/enhancement/management
- Contributions towards, travel packs and bus pass provision
- Recycling and refuse contribution (wheeled bins)
- S106 Monitoring – District and County Councils

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS11 and CS12 of the Core Strategy 2013.

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. 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 2024.

The submitted plans show the provision of approximately 0.19 Ha of open space, SuDS and ecological enhancements within the site. The proposals represent a shortfall of onsite open space as required under updated policy CS15. Consequently, it is considered appropriate for contributions to be provided to provide for new or improved off-site open space within the Parish, subject to there being an identified need. The level of financial contributions are still to be determined and will be secured through the Section 106 agreement.

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with policies CS14 and CS15 of the Core Strategy 2013.

Loss of Agricultural Land

The NPPF and government guidance expects local planning authorities and developers to protect the best agricultural land, recognising importance of soil as and natural capital asset and 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.

The application included An Agricultural Use and Quality of Land survey found that the land is grade 3a and 3b agricultural quality, representing a loss of 1.56 Ha of BMV 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 initial indication of what is meant by a significant loss of agricultural land. The application scheme proposes the removal approximately 1.56ha of land from the agricultural category. Whilst the loss of best and most versatile agricultural land is undesirable it is not considered that a reduction of 1.56ha from the total stock would have wide ranging economic implications for the area. The loss of this high-grade agricultural land is nonetheless an important consideration in respect of this proposal.

Archaeology and historic environment

Policies CS20 of the Core Strategy (2013), and DM12 of the Blaby District Council Local Plan (2019) seeks to preserve and enhance the cultural heritage of the District and Parish and recognises 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.

The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site has the potential to contain archaeological remains, lying within a landscape where evidence of prehistoric activity is commonly found. Leicestershire County Council Archaeology have considered the submission of an archaeological desk-based assessment (DBA), and we are generally supportive of its findings which confirm a potential for prehistoric buried remains within the site. The DBA shows that construction related activities have recently taken place within the northern half of the site during construction of housing to the north, although the extent of the disturbance here is unclear. Elsewhere the application area appears to have remained undisturbed and any archaeological remains present are therefore likely to have survived in situ.

While the results of the Evaluation were 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.

NPPF paragraph 218, 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 of development, and to make this evidence (and any archive generated) publicly accessible.

Leicestershire County Council's Archaeology therefore recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation, analysis and recording prior to commencement of development.

The application site lies approximately 800m from the historic core of the village which contains the conservation area and a number of listed buildings. A number of historically important listed buildings which are located along The Drive some 1.5 miles

from the application site. It is considered that the application site is screened from these historic assets by existing development and open space and as such is considered not to have an impact on the significance of designated heritage assets (listed buildings and the Conservation Area) within the village of Countesthorpe.

The application is therefore considered to comply with Policy CS20 of the 2013 Core Strategy and Policy DM12 of the Local Plan Document (2019).

Environmental Implications

Blaby District Council's Environmental Services Team have raised no objections to respect of the application, with regard to drainage, land contamination and impact of construction phase.

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.

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 £2009.00 for the 41-dwelling development. Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy DM13 of the Blaby District Council Local Plan 2019.

Ecology and Biodiversity

The application site is made up of an agricultural field with established natural boundaries. The application will result in the loss of an element of this natural landscaping. The indicative plan shows that site is to provide landscaping throughout the scheme with most important natural landscape features along the edge of the development retained.

A Preliminary Ecological Appraisal, Reptile Survey, Great Crested Newt Survey and Biodiversity Net Gain Report and Metrics has been submitted with the application. The reports indicated the potential for protected species or habitats to be present on site and impacted by the proposals has been assessed. During the consideration of the application, Leicestershire Ecology did not consider that the submitted details fully assessed the ecological impacts of the development. Given that suitable reptile habitat was present within the application site in the form of unmanaged grassland and associated scrub, further survey work was recommended to determine the presence / absence of reptiles. Additional walkovers were also requested and due to the presence of an on-site wet area to the north-west of the site which offers suitable breeding opportunity for great crested newt, a specific great crested newt survey was required.

The reptile survey showed the presence of grass snake within grass and shrubland on the site, with incidences of common toad and frog were also observed. The survey concluded that the reptile population on site was classified as low.

Analysis of water within the wet areas showed no evidence to suggest that these supported great crested newts

The Leicestershire County Council ecologist has concluded that the Preliminary Ecological Appraisal and additional reports and survey were acceptable and that no significant ecological constraints were identified.

Leicestershire County Council ecology 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 and a scheme for the provision of bat and bird roosting features to be integrated into buildings and suitable hedgehog gaps in boundary features shall be submitted to and approved in writing by the Local Planning Authority.

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'.

The plans and submitted ecology appraisals and Biodiversity Net Gain (BNG) calculations, show that, despite the application being submitted prior to the introduction of mandatory BNG, the site provides sufficient landscaping and protections throughout the development which will offer the chance to offset the loss of existing natural landscape, and ensure suitable protections and mitigation for existing flora and fauna. The proposals show a measurable net gain in biodiversity value of some 0.79% with respect to hedgerow units and 1.46% with respect to habitat units within the site boundary. The proposals see a loss of -11.93% with respect to water course units due to the presence and of a ditch within the site. Leicestershire County Ecology have however concluded that due to the fact that the application was submitted prior to the introduction of mandatory Biodiversity Net Gain, the 'measurable net gain' of both hedgerow and habitat units is sufficient to meet the NPPF requirements in this instance. It was considered that there was insufficient justification to insist upon the purchase of off-site water course units in this instance.

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS19.

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. The submitted plans show the retention of the hedgerows and trees along the field boundaries with no trees present within the application site.

Leicestershire County Council Forestry have not raised any objections on arboricultural grounds, subject to the submission via condition of a Tree Protection Plan and detailed landscape scheme for the site and landscape maintenance plan.

Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS19.

Conclusion and Planning Balance

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

As set in the report above, it is acknowledged can only demonstrate a 3.53-year housing land supply which is significantly lower than the requirement set out in government guidance. The NPPF, which is a material consideration in decision making requires that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites cannot be identified then the provisions of paragraph 11 of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

This report has fully considered the application against local and national policy and guidance and against all relevant material considerations as set out above.

The provision of up to 41 houses and the associated social, economic and environmental benefits, including provision of affordable housing, improvements to local infrastructure and facilities, and the enhancement and provision of open space and biodiversity are identified benefits of the development. A clear benefit of the proposal which weighs significantly in favour of the proposal is its contribution towards local housing land supply including within the next 5 years.

Furthermore, the proposal would provide a policy compliant level of affordable homes. Moderate weight is attributed to the delivery of 10 affordable homes given the identified affordable housing needs within the district as outlined in the Housing and Economic Needs Assessment (HENA) published in 2022.

The site will likely build out over a number of years and will provide a temporary boost to the local economy during site build out. Post development residents will contribute to the wider local economy and will help support local shops and services. Reflecting on the scale of proposals a moderate beneficial economic impact is considered likely.

In addition, the site is not considered to unduly impact on the character and appearance of the area, the amenities of neighbouring properties, heritage assets and the environment.

There are no technical constraints relating to highways, heritage or flooding that cannot be mitigated. Improvements to local services and facilities and appropriate open space and landscaping can be secured by way of planning condition, reserved matters and S.106 legal agreement.

It is acknowledged that the proposed development would have landscape impacts and therefore would conflict with Policies in the Development Plan including CS18 and DM2. The weight that can be attributed to these policies is reduced due to the Council's lack of 5-year housing land supply.

The proposed development, in combination with approved development at Willoughby Road (24/0001/OUT) would erode the existing urban-rural fringe to the south side of Countesthorpe and would create a more built-up urban edge to the village. It is considered that the impacts would largely be experienced at the local level, as the impacts would be limited to the immediate surrounding area rather than over a larger geographic area. The conflict with these policies is partly mitigated by the retention and enhancement of the field boundaries and the provision of open space which would allow the creation of an attractive scheme which complements the character of the area and protects the amenities of neighbouring properties. It is considered having regard to the nature and scale of the scheme that this impact to the landscape would be of moderate significance.

As part of the landscaping scheme, the applicant is seeking to deliver a biodiversity net gain on site, and whilst the proposal provides a measurable net gain with respect to hedgerows and habitat unit as required by the government guidance in place at the time of the submission of the application, the proposal represents a loss of watercourse units. Given the application preceded the introduction of mandatory Biodiversity Net Gain it was considered there was insufficient justification to insist upon the purchase of offsite water course units in this instance. On this basis the loss of watercourse units, it is considered the loss of such carries neutral weight.

The County Council's Highways Department have considered the supporting access information in detail and have concluded that the provision of an access in the location proposed would be acceptable in principle. They further consider that the development would not unduly impact on the wider highway network. The local and wider highway implications are therefore considered to be of minor significance.

Furthermore, it is acknowledged that the proposal would result in the loss of Best and Most Versatile (BMV) agricultural land which is considered due to the size of the development to carry limited weight in the planning balance, however given the area

lost is not strategically significant it is considered that the loss of BMV land would not outweigh the benefits of the proposed development in this instance.

In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing housing development in this location. The benefits relate to the contribution of the proposal to the Council's housing land supply, affordable housing provision, economic benefits during the construction phase and to the local economy through household spending, improvements to local infrastructure and facilities and provision of onsite open space. Whilst the development would have an adverse impact on the character and appearance of the countryside and result in the loss of Best and Most Versatile agricultural land, and would conflict with a number of policies in the Local Plan, namely CS18 and DM2, in the context of the 'titled balance', the provision of housing (along with the other benefits referred to) are considered to outweigh this conflict.

The application is therefore on balance, recommended for approval subject to appropriate conditions being attached and contributions being secured to support local infrastructure as part of S.106 Legal Agreement as set out in the report above.

Appendix 1 – Countesthorpe Parish Council Comments

16.02.2024

COUNTESTHORPE PARISH COUNCIL'S RESPONSE TO PROPOSALS FOR 51 DWELLINGS AT LAND TO SOUTH OF GILLAM BUTTS - DEVELOPER: HAMPTON OAK (CONSULTANT HARRISLAMB) – PLANNING APPLICATION 24/0004/FUL

“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 and 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.*

- *The Parish Council notes that Blaby District Council's own assessment of the site COU47 was carried out on the basis of the larger area which amounts to 5.15 hectares. For that area, the District Council's recommendation is for a maximum of 96 dwellings. Considering that this section of the site that was assessed is around a third of the total area, the Parish Council considers that the proposed 51 dwellings is overdevelopment of the site.*
- *As the developer is only submitting an application that covers a third of the land accessible to them, the Parish Council has concerns that, whilst the development may be more achievable in terms of delivery, by the applications for the sites being submitted 'piecemeal',*
- *developer funding as part of the application, and also that the full information for the application cannot be considered as a whole in terms of future access and open space provision.*
- *As stated previously, the Parish Council has considerable concerns that the development in this area is being carried out in a piecemeal manner. The contents of the supporting documents are based on the 51 properties, and not taking into account the previous development and any further. In summary, the Parish Council is dissatisfied with the level of long term planning for the land within the developer's ownership.*

Highways and Access

- *The Parish Council has significant concern that the only access currently proposed to this development is via Hallcroft Avenue, and likewise, further applications would only have access via the same route. It notes that the applicant's layout document indicates the proposed layouts to lead to further development at a future stage.*
- *The information provided therefore is not adequate in terms of how access will be provided should there be further development extending from the site, ie how any alternative access route provided. The only realistic option for this would be via Peatling Road, and previous planning applications with access onto Peatling Road have been refused by the Highways Authority. Alternatively, the developer may find an alternative route to an existing road to the south of Countesthorpe through purchase of property, however, the Parish Council would object to the application being approved prior to viable long-term access to the site and any future extensions being clarified. Therefore, the Parish Council feels that it should make comment relating to certain items based on the premise that the remaining area will be submitting for housing development at some point in the future.*
- *It is noted in Planning Policy CS10 that the recommendation is, where possible for a bus stop to be within 800 metres of new homes.*
- *Based on the only potential for access via Hallcroft Avenue at its junction with Station Road, the Parish Council has strong concerns at the impact at this junction and suitability of the road network to accommodate the additional*

vehicular activity at that junction. The junction comes out onto Station Road which is the main commuter route through the village. The vicinity of the area also has heavy pedestrian footfall traffic at peak school drop off/collection times, so there would be major conflict of vehicles and pedestrians at the staggered junction of Hallcroft Avenue, Station Road and Gwendoline Drive.

- The Parish Council has considerable concern about the impact on the existing properties leading via Hallcroft Avenue in terms of construction traffic. By carrying out the developments on a piecemeal basis, this will inevitably lead to disruption to residents in this area being adversely affected for many years to come.
- A condition of the previous application leading from Gillam Butts was that there would be road surface improvements to Hallcroft Avenue and this has not yet come to fruition despite all properties on that development being occupied.
- The Parish Council questions the comments from the Transport Survey item 3.18 in that the parents/guardians' pedestrian access, in particular using the zebra crossing do not have any bearings to the operation of the staggered junction. From experience of vehicle users at that point, there is considerable conflict of safety between pedestrians and vehicles, particularly affected by narrow pavements in the area. Also, at the time of the completion of the assessment there was an employed school crossing patrol, however, this is no longer the case and therefore the zebra crossing is used as and when pedestrians arrive at the crossing, rather than a control of a number to cross at a time.
- 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 of 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.
- The Parish Council notes from the Transport Assessment that when the applicant carried out its assessment of the site in terms of number of vehicular movements, that at the same time, it did not record the number of pedestrians or cycle users etc from Hallcroft Avenue, to show evidence to support its claims that it will be expecting the residents from the extended development to walk to local facilities.
- The Parish Council refers to Leicestershire County Council's correspondence 2022/9488/01/P/HEN, in that it states that 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 that it therefore does not consider the proposals to be acceptable.

- Also, referring to the above document, the information provided to Leicestershire County Council at that time was for a proposed 100 dwellings. Therefore, the Parish Council re-iterates its objection that by submitting the application piecemeal can be seen as a way of a developer avoiding complying with planning policy, etc.
- The Parish Council notes that the figures contained in the Transport Assessment do not take into account the figures from the other proposed developments and therefore the District Council should consider the cumulative impact from the total additional vehicular movements.
- In recent years, an increase in development in the local shopping area has resulted in a significant detrimental effect on off street parking. The Countesthorpe Health Centre has no capacity to increase its parking facility to accommodate additional patient numbers. Also, there is insufficient off-street parking to accommodate those visiting the local shopping facilities and particularly those 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. The nature of the isolation from the village by this proposal will inevitably result in access to the local facilities via a vehicle journey.
- 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.
- The Parish Council asks that, should the development be granted, that the District Council ensure that sufficient off-road parking is provided per property, also in anticipation of potential expansion of the property owner in the future.
- Residents of Hallcroft Avenue express their frustrations about the quality of the construction of the Hallcroft Avenue itself in that it was only designed to accommodate the original housing on that road. The actual road itself is starting to deteriorate with the additional traffic, and that is not taking into account further construction traffic. Vehicles park on both sides of the road and it is not therefore considered suitable to and increase in vehicular traffic.
- Taking into account residents' comments, the Parish Council would stress the importance of the District Council not permitting piecemeal development in that area in order that the supporting infrastructure is consider as a whole and to therefore limit the time period before the existing properties that lead from Hallcroft Avenue, down to Gillam Butts are upgraded with suitable infrastructure.

Public Transport

- In its assessment of the site, the District Council indicates that the site scores well due to good access to public transport with regular frequency service, however, it should be noticed that the level of service is now unreliable following the recent closure of the Arriva depot at South Wigston. The District Council

refers to the negative scores being that there is lack of open space within the immediate area.

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*
- 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.*

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.

- The Parish Council notes that there have previously been problems with flooding in that area of the village. Residents from Mennecy Close report flooding of their properties in January 2024 during the excessive rain.*
- The drainage and sewage system along Hallcroft is outdated and inadequate. Residents of Hallcroft Avenue have stressed to the Parish Council that they have issues with sewerage coming up into their properties due to the age of the existing sewage system. There have also been cases of those residents having had to carry out drainage works to their own cost to try and reduce the impact of surface water run-off from Hallcroft Avenue. Surface water run-off often sits in the gullies along Hallcroft Avenue.*
- Given that the current local systems cannot accommodate existing drainage and sewage demands, the Parish Council does not consider that they would be adequate to support additional pressure from the proposed new development.*
- The Leicestershire County Council Preliminary FRA (LCC PFRA) additionally 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.*

- *It would therefore be required to either update the existing sewage and drainage system in that area of the village or, should further development be granted, provide further drainage systems that are directed via a separate route away from the village.*
- *It would therefore be a necessity for the details for the drainage system to be approved by the District Council at outline planning stage. Furthermore it should be a condition that such mitigation methods be maintained to a satisfactory condition in perpetuity.*
- *The Parish Council therefore insist that it is made a condition, that specific detailed Sustainable Flood and Drainage Mitigation Strategies, are finalised and approved at the outline planning permission stage before development can be considered further.*

Open Space Provision

- *The Parish Council is concerned that, by the applications from this developer being submitted piecemeal, the opportunity for meaningful open space provision is being avoided.*
- *Agreement should be made with Leicestershire highways with regard to ownership of grass verges to ensure that there are no disagreements in future years with regard to maintenance responsibility.*
- *The Parish Council is concerned that, with any proposed development sites to the south of the village being under different ownership, there is the loss of opportunity to achieve open space and would ask that the District Council take this into consideration with the long term planning of future developments to the south of the village that there be collaborative approach to the provision of open space and pedestrian routes to the existing settlement of Countesthorpe.*

Air Quality

- *The Parish Council notes that the applicant has not submitted an Air Quality Assessment of the site.*

Environment and Carbon Neutral

- *The Parish Council considers that the applicant's proposals for carbon initiatives are limited to that required by current government building guidelines and only extend further to the proposal for photovoltaic panels on the roofs. There is no inclusion for the Parish Council's recommendations for consideration in future development as mentioned earlier in this document.*

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."

08.11.2024

COUNTRESTHORPE PARISH COUNCIL'S RESPONSE TO PROPOSALS FOR 41 DWELLINGS AT LAND TO SOUTH OF GILLAM BUTTS - DEVELOPER: HAMPTON OAK (CONSULTANT HARRISLAMB) – PLANNING APPLICATION 24/0004/FUL

The Parish Council does not consider that there has been any change since the original application that would make it review its original objection and therefore it is resubmitting its original response made 16th February 2024 as per attached.

The Parish Council also notes that the amended application specifies 41 dwellings, however, it would ask that Blaby District Council check the accuracy of the number of houses and house types. Likewise, the Parish Council insists that there be a condition that there should be no increase to the number of properties following any planning approval.

Since the original application, the Parish Council would wish to stress the importance that the following issues be investigated by Blaby District Council prior to making a recommendation to its Planning Committee:-

- Reports by residents living on Hallcroft Avenue of rising sewage, indicate that the sewerage system is already inadequate. The Parish Council therefore strongly requests a full and complete assessment by Severn Trent Water of the sewerage system in this area before a decision is made on this application.*
- The Parish Council notes that the applicant has not been asked to provide updated traffic movement figures and potential impact on junctions, in particular the Hallcroft Avenue junction at Station Road, to take any potential future increase in figures into account and also the cumulative impact from other applications, as the Parish Council notes that this was asked of the applicants of other developments in the village.*
- The Parish Council believes that there are incorrect and incomplete assertions in relation to the topography of the junction between Hallcroft Avenue and Gwendoline Drive as they meet at Station Road and of the impact that this development would have on this area.*
- For instance 3.7 of the Transport Statement says that The Hallcroft Avenue / Station Road junction forms the **eastern** side of a staggered junction arrangement on Station Road, with Gwendoline Drive forming the **northern** arm. **This statement is inaccurate and misleading.** Hallcroft Avenue goes off Station Road in a southerly direction. It lies almost directly opposite to Gwendoline Drive which goes off initially to the north, with Hallcroft Avenue slightly to the east and Gwendoline Drive slightly to the west on Station Road.*

*And 3.8 of the Transport Statement says Station Road in this location has a carriageway width of 5.5 to 6.0m with footways **ranging in width from approximately 1.8m to either side** and is street lit. **This statement is incomplete and misleading.** While the footways are generous on the Hallcroft Avenue side of Station Road,*

immediately across the zebra crossing on the northern side of Station Road the pathway is barely 1m in width.

- Future site connectivity on P. 81 of the Public Reports Pack 03102024 1630 (Willoughby Road) states that*

“The Willoughby Road applicant has been asked if they can provide a serviced road to the eastern site boundary to future proof land to the east”. Land which would include the Gillam Butts development, should it be approved. While the proposed Willoughby Road access could serve up to 1,000 dwellings, residents wanting to access the village centre or the primary school complex may well want to take the more direct route through the developments and out of Hallcroft Avenue rather than having to negotiate the two-roundabout configuration on Willoughby/Cosby/Winchester Road. This would not only increase the danger at the junction with Station Road but would cause traffic flow problems on Hallcroft Avenue as well as gradually damaging an already weak road surface, exacerbating the sewerage problems.

- The Parish Council considers that 257 dwellings being served by the single access point at the Hallcroft Avenue/Station Road junction is excessive and potentially hazardous. This junction has a constrained layout and is adjacent to a zebra crossing which serves the primary school located opposite on Gwendoline Drive.*
- The Parish Council notes that a Road Safety Audit was conducted on 4th March between the hours of 12.15 pm and 12.45 pm when, unsurprisingly, traffic flows were observed to be low. These are off peak times and do not, therefore, give a true reflection of traffic movement in that area, particularly during school drop off and pick up times when considerable vehicle and pedestrian traffic is present. Therefore, the Parish Council insists that there be a further Road Safety Audit carried out to give a more realistic usage of the junction at its peak time, before any decision is made on the application.*
- The Parish Council reiterates its 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.*
- The Parish Council considers that there is inconsistency with regard to ratio and density of housing to the size of the site in comparison with the other planning applications at Willoughby Road and the recently approved Foston Road. The Parish Council requests consistency within all decision making.*

12.12.2024

The Parish Council asks that the District Council refer to the council's previously submitted objections, as it still does not consider that the concerns raised have been responded to at this stage. The Parish Council shares the concerns raised by the Local Flood Authority with regard to the safety of the attenuation pond, and expect that the application will not be submitted to the District Council planning committee, prior to these concerns being addressed.

24/0527/OUT

**Registered Date
4 July 2024**

Gladman Developments Ltd

Outline planning application for the erection of up to 155no. residential dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Land off Oak Road, Littlethorpe

**Report Author: Charlene Hurd,
Development Services Team Leader
Contact Details: Council Offices. Tel: 0116 272 7705**

RECOMMENDATION:

THAT APPLICATION 24/0527/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:

1. 25% provision of affordable housing
2. Secondary education contribution
3. Library facilities contribution
4. Waste facilities contribution
5. Primary SEND education contribution
6. Secondary SEND education contribution
7. Health care facilities contribution
8. Police contribution (subject to this passing the CIL compliance test)
9. On-site open space and future maintenance
10. Off-site sports facilities contribution
11. Travel Packs (and Level Crossing Packs)
12. Bus Passes
13. Residential Travel Plan Monitoring fee.
14. Appointment of a Travel Plan Coordinator
15. Contribution towards Corridor 12 Local Cycling and walking Plan
16. Contribution to PROW (W43)
17. On-site Biodiversity Net Gain Provision
18. Off-site Biodiversity Net Gain provision
19. Recycling and refuse contribution (wheeled bins)
20. 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:

1. 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).
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 155.
6. Dwellings to not exceed two and a half storeys in height.
7. Design Code to be submitted for Active Travel within the site.
8. Habitat management and monitoring plan (HMMP) to be submitted and agreed.
9. Waste Collection Strategy to be submitted and agreed.
10. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
11. Remediation works shall be completed in accordance with the approved method statement.
12. Reporting of unexpected contamination
13. WSI for Archaeology to be submitted and agreed and carried out.
14. Construction Management Plan to be submitted and agreed and adhered to.
15. If piling is proposed then a piling method statement should be submitted and agreed and adhered to.
16. Construction Environmental Method Statement (CEMP) for biodiversity to be submitted and agreed and adhered to.
17. Landscape and Ecological Management Plan to be submitted.
18. Construction Traffic Management Plan to be submitted and agreed and adhered to.
19. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
20. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes.
21. Details of all external materials to be agreed.
22. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
23. External lighting scheme for public areas to be submitted and agreed.
24. Arboricultural Impact Assessment and Method Statement to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
25. Access arrangement to be implemented in accordance with the approved access plans.
26. Highway Improvement Scheme and Stage 1 Road Safety Audit to be submitted, agreed and implemented in full.
27. Travel Plan to be submitted and implemented.
28. Landscaping details under condition 2 to be carried out within one year of completion.
29. Surface water drainage scheme to be submitted and agreed and implemented.
30. Foul surface water scheme to be submitted and agreed and implemented.
31. Details of management of surface water during construction to be submitted and agreed and adhered to
32. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
33. Infiltration testing to be carried out
34. The development is to be carried out in accordance with the Flood Risk Assessment (All development to be in Zone 1 and no development shall be within 8 metres of the top of any bank of the main river).

35. Noise mitigation (to BS 8233:2014) measures to dwellings to be submitted and agreed and adhered to.
36. A Dust Management Plan is to be submitted and agreed and any recommendations adhered to.

NOTES TO COMMITTEE

Relevant Planning Policy

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS5 – Housing distribution
Policy 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 (February 2019)

Policy DM2 – Development in the Countryside
Policy DM4 – Connection to Digital Infrastructure
Policy DM8 – Local Parking and Highway Design Standards
Policy DM10 – Self and Custom Build Housing
Policy DM11 – Accessible and Adaptable Homes
Policy DM12 – Designated and Non-designated Heritage Assets
Policy DM15 – Minerals Safeguarding Areas

National Planning Policy Framework (2019)

National Planning Practice Guidance

Other supporting documents:

Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (2024)

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

Leicestershire Minerals and Waste Local Plan

Blaby District Landscape and Settlement Character Assessment (2020)

Consultations

Active Travel England – Provided Standing Advice.

Blaby District Council Active Travel Officer – *‘A number of amenities are located both in Little Littlethorpe, and nearby Narborough, 800m to the north of the within a walking distance of approximately 10 minutes from the entrance of the proposed site.*

There is good public transport access, with several bus stops serviced by the 50 and X84 bus routes located in Narborough, giving access to Braunstone Town and the City in the north, Rugby to the south. Narborough Station 700m away from the site, with trains to the City and Birmingham.

There are several schools nearby, with Greystoke Primary School located with a 20 minute walk and Brockington College, Red Hill Field Primary School and The Pasture Primary School all within a 10 minute cycle.

While the route is adequate for some individuals, it is not a consistent 2m width, and may present difficulty to those with constraints. There are also various Public Rights of Way (ProW) both external to the site and through the site that with enhancement could provide additional links to Narborough.

As an outline application, it is imperative that necessary infrastructure is planned and embedded from the outset. This relates to the ambition of the site as stated in the submitted Transport Plan where the proposed development should ensure that “the layout will focus on the needs of pedestrians, cyclists and public transport users, create a sense of place and community, create permeable streets offering good quality connections and will recognise the needs of people of all ages and abilities.

It is proposed that there will be one vehicular access point to the site from Oak Road to the east. The proposed indicative masterplan with indicative Access & Movement as shown on page 26 of the submitted Design & Access Statement (DAS) fails to include: a clear indication of a street hierarchy; an indication of different car parking locations (front of house and parking courtyards) or any cycle parking similar provisions.

In its current form, we consider that while this application indicates a commitment to ensure that active travel is the preferred mode of choice from the outset, it is

considered that further interventions and actions are required to successfully encourage and embed sustainable patterns of movements and behaviours from the outset in line with the government's policy expectations. In consideration of this, we recommends that the applicant considers the following points:

1. Revision of Mode Share Targets as set out in the Travel Plan Details Although there is the potential for this proposed development to strongly facilitate active travel, there are concerns in relation to some of the proposed measures and targets as pertained in the Travel Plan (TP).

Subsequently, we note that the overall mode share targets as submitted in the TP are unambitious, with the consequence that if Active Travel is not prioritised from the outset through the installation of high-quality infrastructure, this development is likely to become unnecessarily car-dependent. The applicant's 10% modal shift away from single occupancy car trips (TP, p.29) it is considered, would struggle to justify the requirement to invest in alternative modes to the private car over and above existing nearby infrastructure and developments.

Blaby District Council would expect to see targets that demonstrate a commitment to move towards the government objective of half of all short urban journeys by 2030 to be walked, wheeled, or cycled. These also need to be suitably aspirational to align with the objectives of the emerging BDC LCWIP which has a clear ambition to create "a high quality and well integrated walking and cycling network which will maximise sustainable transport movements to services and facilities, shops, employment, and education" (BDC, LCWIP. p.4) and "The... vision is for walking, wheeling and cycling in Blaby District to be the first and natural choice for everyday journeys, for people of all ages and ability, to travel locally to schools, to shops, or to work". (BDC Active Travel Strategy. P.5) It is however considered that this is unlikely to be achieved in the absence of ambitious targets in conjunction with the necessary infrastructure improvements detailed below.

2. Details of Active Travel Infrastructure

While the illustrative masterplan indicates that the site is relatively permeable, it is necessary for the applicant to provide specific details of the infrastructural improvements as follows:

- ☐ Details regarding the provision of the pedestrian link that will circulate around the proposed development. BDC requests that the appropriate guidance as pertained in LTN 1-20, and Inclusive Mobility is referred to with regards to the submission of designs.
- ☐ A suitable crossing at both the main access point and the intersection with Beechwood Road (e.g. parallel, 'toucan' along with treatments to the footway, including the undertaking of the feasibility to also cater for cyclists (e.g. via a 3m shared foot/cycle way).
- ☐ Details of the materials for all active travel facilities along with the additional infrastructure which supports active travel and including how the site will connect with public transport – e.g., wayfinding signage, appropriate lighting etc. The applicant is advised to refer to LTN 1-20 for guidance'.

3. Details of cycle parking

Currently the submitted documents make no reference to cycle parking. It is advised that precise details of number and type of cycle parking are provided so that they may be incorporated into future layouts – The applicant is therefore encouraged to provide parking provision (as per 11.1 of LTN 1–20) to support the government's aim that half of all short, urban trips are walked, wheeled, or cycled by 2030’.

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

Blaby District Council, Health and Leisure – Provided comments on the nearby playing pitches and sought a contribution of £235,598 for specified pitches.

Blaby District Council, Housing Strategy – provided a housing needs assessment for Blaby and a mix of market and affordable housing mix requirements.

Blaby District Council, Neighbourhood Services – Could make no comment on the application due to there being no bin collection points on the plans, however provided comments and guidance.

Blaby District Council, Principal Planning and Conservation Officer – Having regard to para 209 of the NPPF, you will need to weigh up the benefits of delivering the development against the low level of harm to the setting of this non–designated heritage asset when making your decision.

Cosby Parish Council –

‘In addition to the applications conflict with Policy CS18 of Blaby District Council and development in Open Countryside, Cosby Parish Council raises and registers significant concern with the applicants outline application for up to 150 houses on Land off Oak Road, Littlethorpe and the impact of additional traffic on a limited and often congested, highway infrastructure. This application follows the approval of application 23/0182/OUT for up to 200 houses in Cosby on 5th September 2024 which will already increase traffic in Cosby and Whetstone and must be taken into consideration with more up to date traffic modelling.

The applicant’s information and assertions appear to be significantly out of date and refer to the Leicestershire County Councils Local Transport Plan 3 (LTP3).

*As is clearly stated by Leicestershire County Council, LTP3 “**no longer accords with national planning, transport, and environmental policies**”. All evidence and traffic modelling referred to in the applicant’s evidence in relation to LTP3 documentation, cannot therefore be accepted as evidence and must be dismissed.*

As is also evident, the application site lies on the open countryside outskirts and deep within the existing residential curtilage of Littlethorpe with one key access route being off Station Road, along Sycamore Way and onto Oak Road.

The only alternative access routes are via Station Road, Sycamore Way, Biddle Road, Oak Road, Sycamore Way and onto Oak Road again or via The Square, Riddington

Road, Biddle Road, Oak Road, Sycamore Way and onto Oak Road with all being residential areas, none of which represent easy access to the proposed development.

There are three and only three highway routes into and out of Littlethorpe, Station Road crossing the railway crossing into Narborough along a very narrow two-way street where vehicles regularly have to mount the kerb and footway to pass.

Riverside Way – Warwick Road onto The Dicken and High Street junction in Whetstone and Cosby Road, onto Narborough Road to the junction with Cambridge Road / Park Road, Cosby with both the Whetstone and Cosby routes requiring onward travel through residential areas.

The traffic modelling provided fails to assess the impact on the neighbouring settlements of Cosby and Whetstone as noted above and even more so when Network Rail have specifically noted that “The safety of railway level crossings and all crossing users is of paramount importance to us and we would have concerns over **any proposed scheme that would increase the usage and risk of a railway crossing.** In this instance, we note that the scheme is in proximity to the railway crossing on Station Road, which is a manually Controlled Barriers worked crossing.

We observe that the area currently **experiences significant traffic congestion**, particularly when passing through the village of Narborough and over the Narborough level crossing. **Recent inquiries have highlighted concerns regarding the barrier down time at Narborough Level Crossing, which contributes to congestion during peak commuter periods.**

The existing road layouts around the level crossing are heavily congested with amenities, impeding the smooth flow and quick dispersal of traffic, especially during these peak times. The addition of new housing is likely to increase traffic volume, thereby exacerbating congestion and blocking back at the level crossing.

Contrary to the traffic impact assertions by the applicant, due to the stated congestion and barrier down time by Network Rail, not only will the proposed development increase the congestion, but it is almost inevitable that vehicles attempting to avoid the railway crossing congestion will take alternative routes through and out of Littlethorpe and into the neighbouring settlements of Cosby and Whetstone as is already the case.

It is also highlighted that the applicant is again referring to out of date statistics by referring to the 2011 Census whereas, the most up to date Census is surely 2021 and the evidence should be remodelled to more relevant statistical data.

Cosby Parish Council also note Table 5.2 in the applicants Transport Assessment where of the 22 amenities listed, 9 (41%) are outside the preferred maximum walking distances.

Section 5.2.6 refers to the amenities and centres of employment and education but lists very few employment sites and fails entirely to quantify how many jobs are actually

available (vacant) at these employment sites. Local knowledge is very aware that available employment opportunities are negligible at all times.

Section 6.3 refers to committed developments and is again out of date.

The County Highway Authorities first response identifies numerous concerns that need to be overcome.

In summary: –

Cosby Parish Council considers that the application is speculative and in an inappropriate location conflicting with policy CS18. The traffic modelling and impacts are wholly under-represented with the wider traffic impacts on Littlethorpe, Narborough, Cosby and Whetstone unassessed and with the applicants presenting and quoting policies and statistical information that is evidentially out of date which are material considerations.

Cosby Parish Council has significant concerns over the impact of traffic from this proposed development on a key junction and main access routes within Cosby which there appears to be no modelling for.

The application should not be approved’.

Environment Agency – The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if a planning condition is included.

Following the heavy rainfall on 6 January 2025, the EA was re-consulted, however made no changes to their comments.

Leicestershire County Council, Archaeology – notes the presence of prehistoric flints recorded within site together and the proximity to the historic settlement core of Littlethorpe. No objection subject to the imposition of conditions.

Leicestershire County Council, Developer Contributions – Requests financial contributions towards library service provision, waste, secondary school sector provision and SEND Education of £262,260.89.

Leicestershire County Council, Ecology – No objection subject to the imposition of conditions and legal agreement for BNG.

Leicestershire County Council, Forestry – No objection to the application.

Leicestershire County Council, Highways:

Comments issued 26 July 2024 – Did not consider that the application submitted fully assessed the highway impacts of the proposed development and required the following information:

- Additional information and swept path analysis for site access arrangements;

- Stage 1 Road Safety Audit, Designer's Response and amended drawing (if required) for site access;
- Submission of junction models for checking / approval;
- Details of off-site walking/cycling improvements; and
- Amendments to Travel Plan

Comments issued 18 September 2024 – Did not consider that the application submitted fully assessed the highway impacts of the proposed development and required the following information:

The applicant has considered the impact of the proposals at three junctions near to the site and demonstrated that no highway schemes of mitigation are required. However, based on the submitted distribution and assignment of trips from the proposed development the LHA would expect more than 30 (two-way) trips to go through the following junctions:

- Station Road / Leicester Road (mini-roundabout junction);
- Desford Road / Leicester Road / Coventry Road (mini-roundabout junction); and
- B4114 / Desford Road (roundabout junction)

Furthermore, the applicant still needs to address the outstanding issues identified in the LHAs earlier response to the application issued in July 2024.

Comments issued 6 December 2024 – Did not consider that the application submitted fully assessed the impacts of the proposed development and noted the following:

'The carriageway width of Oaks Rd between Sycamore Way and the Beechwood Rd junction is 4.5m', 'Furthermore, the LHA cannot demonstrate the additional dwellings served between Sycamore Way and the Beechwood Rd junction would have a severe impact on the highway when considered against paragraph 115 of the National Planning Policy Framework. However the applicant should note that this may affect the adoptability of the site as part of any future Reserved Matters application (subject to receiving planning permission for the Outline application).'

'The LHA agree with the applicant that 'Traffic calming measures will be considered at the Reserved Matters stage as the proposed internal layout may influence the need or type of traffic calming.'

'The LHA is content that the bollards at the back of the tactile paving would be an effective deterrent to illegal use of the tactile paving as a means of vehicle access to property No 2 Beechwood Rd'.

'Based on the updated drawing and information provided in the RSA1, the LHA agree that the site access design is safe and suitable to serve the proposed development'.

'The LHA note that Network Rail (NR) have asked that level crossing safety leaflets are provided to new residents. The LHA would agree with the applicant that these leaflets could be included in the Travel Packs that the LHA would require as part of the Section 106 obligations'.

The LHA asked for the following:

- That the applicant demonstrate a refuse vehicle can turn left from Oaks Road into Beechwood Road.
- Ask the applicant to add correction factors (i.e. Barbara Chard method) or use lane simulation mode to ensure a robust assessment of the B4114 / Desford Road junction.
- In this case, the LHA requests the applicant commits to replacing the 6-metre footbridge on the footpath section of PRow W43 located 160 metres west of the site boundary a short distance west of the farm curtilage.

The LHA will consider the applicants offer of a S106 contribution to the delivery of this walking /cycling link following further discussions with the LPA.

'The Design and Access Statement and Development Framework Plan propose to use the farm drive / BOTAT as the site access and the spine road for the development, and note the applicant plans to physically widen the access drive surface which at present may be no more than 3 metres. This represents a substantial material change in the nature of the route.'

Therefore, the route should be the subject of a full highway adoption process, both to ensure construction to appropriate standards, and ensure it is clear who is responsible for future maintenance of the surface, as the PRow remit of the LHA cannot take on that role'.

Comments issued 29 January 2024 – Did not consider that the development would impact highway safety when considered cumulatively with other developments and the subject to planning conditions and planning obligations would not conflict with the NPPF.

Requested obligations of the following:

- Travel Packs;
- Six-month bus passes;
- A Residential Travel Plan monitoring fee of £6,000.00 for Leicestershire County Council's Travel Plan Monitoring System;
- Appointment of a Travel Plan Co-Ordinator from commencement of development until five years after the occupation of the last unit;
- A contribution of £50,000 towards the delivery of Corridor 12 in the Local Cycling and Walking Infrastructure Plan for the south of Leicester area.
- A contribution of £20,000 towards Public Right of Way improvements including replacement of the six-metre footbridge on the footpath section of Public Right of Way W43.

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

Leicestershire County Council, Minerals – No objection to the development.

Leicestershire Fire and Rescue – No comments received

Leicestershire Police – No objections in principle to the application, however made observations in regard to the access to the site, consideration of CCTV, lighting recommendations and wheelie bin storage/cycles.

Leicestershire Police requested a contribution of £29,344.60.

Narborough Parish Council – *‘Narborough Parish Council strongly objects to planning application 24/0527/OUT with a proposal for outline planning application for the erection of up to 155 residential dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point with all matters reserved except for means of access on land Off Oak Road, Littlethorpe, to the west of Beechwood Road.*

A similar application was made in 2019 for a roughly the same area of land by the same applicant which was refused as it did not accord with the Local Plan. We note the applicant’s comments about the implications of the slow delivery of housing under the current Local Plan. This does not however mean that this or any other application should automatically be consented if there are significant concerns about the impacts of the proposed development.

Planning policy guidance is clear that an outline planning application should only be consented if the local planning authority is confident that it can approve an application for reserved matters at a later stage. We believe this is not the case with this particular proposal as the significant adverse impacts cannot be mitigated by design, conditions or planning applications and Blaby has no alternative but to refuse consent.

In considering this application, Blaby will need to give considerable weight to the intended policy changes that the Secretary of State has flagged up in her letter to local planning authorities of 30 July and the proposed changes to the National Planning Policy Framework currently out to public consultation. Whilst these reinstate mandatory housing targets, and give renewed emphasis for the need to deliver new housing, they do not give a green light to new housing in the greenbelt and greenfield sites. Rather they confirm that brownfield and so-called grey land (previously developed or redundant land in green belt) should be prioritised. The proposed policy changes also put a greater emphasis on delivery of affordable housing. This proposal falls short of the Government’s intended approach.

The proposed site of this development is a greenfield site on what is currently agricultural land and is outside the natural boundary of Littlethorpe village. It forms part of the area of separation between this community and others. As such its development would be contrary to Plan policies.

Our main reasons for objecting are that:

- *The size of this development is out of keeping and disproportionate to the size of the existing settlement of Littlethorpe. 155 homes would on average increase population by almost 400. The population of the village rose by 14% between 2001 and 2021. This development would add a further 20% and without any much-needed local facilities.*

- *As such, it will also increase the pressure on local services such as schools and GP services which are already stretched.*
- *Littlethorpe itself has few facilities. Much is made by the applicant that facilities are available in Narborough but this is at a distance which in some cases exceeds the maximum that fit and able people are expected to walk and exceeds distances that many seniors are able to walk comfortably. Added to which, Narborough and Littlethorpe are separated by a level crossing on the main rail line. It is, however, equally true to say that Narborough itself also has limited facilities and many residents shop elsewhere.*
- *A development of this size would add significantly to the volume of traffic with an estimated increase in the number of vehicles of just over 200. Congestion at peak times within the Parish is chronic which has an impact on air quality as at peak times the level crossing can be closed for up to 20 minutes in any hour with long tail backs either side of the level crossing. A development of this size would increase the number of local trips on the school run and daily commute. Blaby has highlighted the impacts of local congestion associated with the level crossing in its evidence to the Hinckley Rail Freight Interchange Examination in Public, the decision on which is expected soon. The traffic impacts of this proposal will need to take into account the potential impacts of this proposal with others that are already in the system or coming down the line in the near future including the possibility of an increase in rail services. In a recent survey, congestion was seen as one of the main negatives of living in our community.*
- *The proposed road access is inadequate and, in our view, because of the existing constraints cannot be amended to bring them up to a satisfactory and safe standard. Neither has provision been made to provide links for cycle users.*
- *There is strong anecdotal evidence to suggest that the incidence of fluvial and surface water flooding in this area is increasing, presumably, in part, as a result of changes in weather patterns caused by climate change. Future risk cannot be adequately predicted by reference to historic data alone. The run-off from this development from the SUDs and surface water is likely to exacerbate existing flooding issues and there are also concerns that the connection of an extra 155 homes to the foul sewage system could also lead to increased emergency discharges at peak times to local watercourses.*

For the reasons above, Narborough Parish Council strongly objects to this application because of the impacts it would have on the existing quality of life of our residents and we support the objections made by those hundreds of residents who overwhelmingly oppose this development. We strongly urge Blaby District Planning Committee to refuse consent and demonstrate that it is committed to maintaining the quality of life and wellbeing of this community. There are strong and valid planning reasons why consent should be withheld. It is the wrong development in the wrong place.

If, however, consent were to be given, which we hope will not be the case, we would request a S106 contribution for the extension and enhancement of Littlethorpe Village Hall so that it is better able to serve a larger community’.

Natural England – No objection subject to appropriate mitigation being secured in regard to a CEMP and Mitigation measures to ensure the Narborough Bog SSSI is not affected by the development.

Network Rail – No objection in principle but noted some concerns in relation to the level crossing. Requested level safety crossing leaflets are provided.

NHS, Leicester, Leicestershire and Rutland Integrated Care Board – Requested a contribution of £120,032.00 to provide the required healthcare to meet the population increase.

Office of Road and Rail – No comment.

Severn Trent Water – No response received.

Representations

365 letters of representation have been received. The representations are centred around the following issues:

Transport/ highways/ traffic:	• Increase in traffic/ congestion in Littlethorpe; • Concerns about more traffic queuing for level crossing; with the roads being too narrow. • Level crossing may be closed for longer if the Hinckley Rail Freight Interchange is built; • There are up to three trains passing each time the barrier is down; • Drivers parking on both sides of the roads to use the station; • Oak Road and other nearby roads are too narrow and not suitable; • Speeding traffic; • Concern that the Transport Assessment submitted does not consider the impact of recently approved and proposed developments or assess key village junctions; • Suggestion of a new access to the B4114 from the development/ bridging the railway and bypassing the centre of Narborough; suggestion of new road to centre of Narborough; • Concerns about construction traffic access; • The route is effectively a one way system between the Plough and Old Inn pubs; • Farm traffic would need to pass through the development; • Inadequate bus services; • Concerns of nearby traffic incidents; • Dangers of traffic for children; • There is a daily gas delivery to the mobile home park that struggles to navigate the road; • The police consultation is lacking in respect of traffic situations; • Transport Assessment is 'nonsense' in regard to 'spare capacity' and needs reviewing, it was not carried out at busy times. • There is only a single entry point to the site; • You could not get a fire engine through the roads in an emergency; • The path to Narborough is often obstructed by delivery vans on Station Road. • Questions how the PROW will be maintained;
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Housing	• Comments about other housing development which have recently been granted planning permission/ built in Littlethorpe, including on Warwick Road and Cosby Road, comments on proposed development of 800 homes at Enderby Leisure Centre. • Consider that they have fulfilled their village expansion and provision of affordable homes; • Why are we covering Leicester City's housing as well?; • They estate is too big, overdevelopment, and the amount in this area is questioned; • Concerns are raised in regard to the build density; • The development will virtually merge with Cosby; • The design of the proposed building is not in keeping; • The Housing and Economic Land Assessment shows that the site can provide 142 dwellings not 155 dwellings; Also comments submitted in regard to the previously refused application for 108 dwellings, with this application being larger; • Supports the development with affordable housing;
Service Provision	• Few shops and services in Littlethorpe – only two pubs, a funeral directors and beauty salon; no food stores. • Development would put pressure on overstretched schools, chemists and GP facilities; • No school within walking distance, children have to be taken in the car; • No dentist; • Local businesses would benefit; • There are few local employment opportunities; • School student numbers have declined so no new school is needed • Littlethorpe Village Hall is lacking in facilities and needs funding; • The upkeep of the estate would be an unmanageable burden on council resources;
Ecology	• Harm to wildlife and habitats; • Destruction of valuable grassland habitat; • Impact on protected species; • Removal of ancient hedgerows.
Flooding	• Existing site floods; • Increase in hard surfaced area would result in an increase in flooding; due to the site being drained inadequately; • Water draining into River Soar – increased risk of flooding downstream; • Station Road floods; • Sewage has been found in gardens;
Air Quality	• Increase in air pollution; • Pollution from cars queuing at level crossing and concerns about impact on health from carbon monoxide and nitrogen dioxide; especially near children's play area; • Increased dust
Character/ Landscape	• Development is in the countryside and in conflict with Policy CS18 of the Core Strategy and DM2 of the Local Plan;

	• Concerns about the loss of village identity/status; • Will spoil character of the area and the landscape; • Loss of Green Space; • The village is too big; • Loss of agricultural land; • There is no place to walk for mental health
Residential amenity/ other	• Noise and disturbance; • Loss of privacy; • Concern about the proposed tree planting on Beechwood and how this would affect light to residents properties; • Ruining local spirit; • Stress to residents; • There are concerns that the development will impact the Victory Show; • The documents provided by the applicant are too bulky for members of the public; • Crime has increased with other new developments; • Poor electrics

Following the heavy rainfall on 6 January 2025, a further representation was received stating that the development site had flooded. Your Officer's visited the site that week and confirmed that site was substantially unaffected. It was noted that there was an area of the south west field which had flooded, however the submitted red line plan and concept plan seems to contain development to land which did not appear flooded.

Relevant History

19/0266/OUT – Outline planning application for the erection of up to 108 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access from Oak Road (all matters reserved except means of access) – Refused 26 July 2019.

The above application was refused for the following reasons:

'1 The proposal would represent unsustainable development in conflict with Policies CS1 and CS5 of the Blaby District Local Plan (Core Strategy) Development Plan Document (Adopted February 2013) which seek to promote sustainable development by focusing new housing within or adjacent to the Principal Urban Area of Leicester, and would therefore undermine its fundamental spatial strategy.

2 The proposed development is located in an area identified as Countryside on the Blaby District Local Plan (Delivery) Development Plan Document Policies Map. In such areas, there is a presumption against residential development. The loss of countryside would not be outweighed by the need to provide new housing development in this location. The District Planning Authority considers that the residential development of this greenfield site would represent an unwarranted intrusion of urban development beyond the existing well defined settlement boundary of Littlethorpe and would cause significant harm to the character and appearance of the local landscape and countryside and character of the village and thus would be contrary to Policy CS18 of

the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019)'.

EXPLANATORY NOTE

The Site

The 7.22 ha application site is located within the countryside, immediately adjacent to the western edge of Littlethorpe, identified as a 'Medium Central Village' within the settlement hierarchy set out in policies CS1 and CS5 of the Blaby District Local Plan (Core Strategy) Development Plan Document (DPD) 2013. The site comprises of three pasture fields, which the application forms states that they are used for the production of grass to be cut for animal feed.

The development site of three fields is shown on the location plan by the red line and the location plan denotes land to both the north and south in the applicant's ownership.

The site is bounded by Beechwood Road to the eastern edge of the site, which consists of residential bungalows which face onto the site. A strip of grassland separates the site and Beechwood Road. Mobile homes are located on Chestnut Close, also adjacent to the eastern boundary of the site, with a number of the static caravans backing onto the site. The northern boundary of the site is defined by a brook/ drain, which the development is set off and beyond the boundary of the site is another pasture field (also within the control of the applicant) which leads down towards the River Soar and the railway, and to Narborough beyond. To the south of the site is farmland and to the west is Lodge Farm. The site is accessed via Oak Road, which runs in a westerly direction away from Sycamore Way, before turning to head southwards to become Beechwood Road.

The applicants submitted an application for an EIA screening at the beginning of the application process, which provided the opinion that an Environmental Impact Assessment was not required. This decision concluded that *'overall, it is considered that any environmental impacts which may occur can be effectively mitigated through the normal planning application process. Given the above, and through consideration of the supporting information submitted with the planning application, it is concluded that the environmental impacts will not be significant'*.

The Proposal

The application is for outline planning permission for up to 155 dwellings on the site. The development proposes a total of 4.44 hectares of the site for residential development and associated road infrastructure, with the remaining 2.78 hectares of land (predominantly to the western, north and eastern boundaries) being reserved for areas of open space, play provision, drainage attenuation and green infrastructure.

The application seeks approval for the means of access to the site, with all other matters reserved for future consideration. However, a 'Framework Plan' has been submitted which indicates the proposed areas for built development and green

infrastructure, as described above. A 'Proposed Access Strategy' Drawing has also been submitted which shows that the access to the site will be provided via a continuation of Oak Road into the site, with the route having priority over vehicles exiting Beechwood Road.

The following documents have been submitted in support of the planning application:

- Planning Statement;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Arboricultural Impact Assessment;
- Transport Assessment;
- Travel Plan;
- Technical Notes for Transport Planning;
- Swept Path Analysis;
- Traffic Flow Diagrams;
- Junctions 10 Report;
- Ecological Impact Assessment;
- Arboricultural Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Air Quality Assessment;
- Noise Screening Report;
- Archaeology and Built Heritage Assessment;
- Statement of Community Involvement;
- Socio-Economic Benefits Statement;
- Minerals Resource Assessment;
- Phase 1 Geo-Environmental Report;
- Topographical Land Survey;
- Biodiversity Metric and Report

An updated Location Plan was submitted December 2024, as a representation comment noted that the plan did not show all the nearby dwellings correctly.

The applicant has confirmed its willingness to enter into a Section 106 Agreement to secure, where appropriate, any Developer Contribution Requests. The applicants submitted a letter, which was registered on 9 January 2025 querying the police contributions request.

The expected housing density on the developable area of the site at 4.44 hectares when deducting the open space would be approximately 35 dwellings per hectare although the exact densities will differ across the site. 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 and the development at Willoughby Road, which was resolved to be approved at Planning Committee in November 2024.

Planning Policy

National Planning Policy Framework (2024)

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 strong 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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. 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 March 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Blaby District 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 72 of the NPPF.

As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. 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 61 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 74 of the NPPF states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

Paragraph 78 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.

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. Littlethorpe falls within the Medium Central Villages.

Policy CS2 – Design of new development

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

Policy CS5 – Housing distribution

Policy CS5 provides the minimum housing requirements for settlements across the District. Littlethorpe 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

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 also states that the need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations. It states that the detailed boundaries of Countryside will be determined through the Allocations, Designations and Development Management DPD (now the Delivery DPD, adopted February 2019).

Policy CS19 – Biodiversity 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:

- I. The development is in keeping with the appearance and character of the existing landscape, development form and buildings;
- II. 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;
- III. 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 DM15 – Minerals Safeguarding Areas

States that development proposals in areas identified for mineral safeguarding will need to ensure that mineral resources of national or local significance are not needlessly sterilised by non-mineral development. The minerals safeguarding areas are set out in the Minerals and Waste Local Plan and include land in the Soar and Sence Valleys and land in the vicinity of Croft Quarry.

Leicestershire Highways Design Guide (December 2024)

The Design Guide sets out the County Council's principles and policies for highways Development Management. The guidance is intended to be used for all road proposals, the overall development in terms of site access and highways transportation impacts, all areas associated with roads that are to be adopted, safety and ease of access and future maintenance responsibilities of areas not for adoption and impacts of new developments on the existing highways.

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:

- I. To provide guidance regarding the interpretation of policies CS7 and CS8 of the Blaby District Local Plan (Core Strategy);
- II. To address local imbalances in both the market and affordable housing stock; and
- III. 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".

Leicestershire Minerals and Waste Local Plan

Provides policies on the future scale and pattern of minerals development across Leicestershire, and how it will be controlled.

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 2024)

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

Joint Strategic Flood Risk Assessment Final Report (October 2014)

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

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

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

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

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

Material Considerations

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

In addition to the policy considerations set out above, there are substantive material considerations that relate to the development of this site, which are:

- The principle of the development and 5-year housing land supply position
- The impact of the development on the countryside and its landscape and character;
- The impact of the development on the amenity of nearby residents;

- The impact of the development on the surrounding highway network;
- Waste Collection;
- Flood risk;
- The impact on designated heritage assets and archaeology;
- The ecological impact and Biodiversity Net Gain (BNG);
- Trees and Hedgerows
- Air Quality;
- Minerals assessment;
- Contamination;
- Developer contributions and infrastructure/facilities;
- Affordable housing and housing mix;
- Open space; and
- Overall planning balance and conclusion.

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

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

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

As of March 31st 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. Littlethorpe 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 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.

This Planning Committee has recently resolved to grant outline planning permission for five sites in the non-PUA:

- 23/1071/OUT – Land adjacent to Leicester Road and Foston Road, Countesthorpe (up to 170 dwellings) – Permitted.

Resolution to approve, subject to Section 106 agreements being completed:

- 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)
- 24/0511/OUT – Land north of Leicester Road, Sapcote
- 24/0001/OUT – Land East of Willoughby Road, Countesthorpe

Policies CS1 and CS5 identify Littlethorpe as a 'Medium Central Village' (along with the settlements of Sapcote, Huncote, Cosby and Croft). Littlethorpe 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 31st 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 Littlethorpe 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 Littlethorpe has only a limited range of services and facilities within the village. Notwithstanding this, it is located close (within walking and cycling distance) to the centre of Narborough which contains a wide range of services and the only passenger train station within the District. The strong functional relationship between Littlethorpe and Narborough entails that new development could allow easy access to services and public transport in the latter. Littlethorpe has some policy and physical limitations including flooding and Green Wedge. The SHLAA indicated significant potential for residential development in the long term.

The application site is approximately 0.55 miles away from the village centre of Narborough by road (where there are shops and other facilities such as a library and café's), the site is also located approximately 0.32 miles from the two Public Houses on Station Road. Furthermore, the application site is located approximately 0.8 miles away or a 17 minute walk from the closest primary school, GreyStoke Primary School which has capacity for 420 with an intake of 420 pupils forecast to be enrolled here. Cosby Primary School is located some 1.4 miles from the site and has a capacity for 315 pupils with an intake of only 298 pupils 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.

The impact of the development on the countryside and its landscape and character

The application site is situated outside the Settlement Boundary of Littlethorpe, 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.

In the Blaby District Character Assessment, the site is within the Sence and Soar Floodplain noting that *'This character area is large and varied, following the narrow floodplain of the Soar and Sence rivers which flow between the settlements to the south-west of Leicester including Enderby, Blaby, Glen Parva, Narborough, Littlethorpe and Braunstone Town. The character area is a low-intensity managed landscape with a naturalistic feel shaped by riparian vegetation and well-developed hedgerows. The edges of the character area are defined by urban development, which can detract from the landscape where there are hard urban edges'*.

It goes on to note *'this character area is large and varied, following the narrow floodplain of the Soar and Sence rivers which flow between the settlements to the south-west of Leicester including Enderby, Blaby, Glen Parva, Narborough, Littlethorpe and Braunstone Town. The character area is a low-intensity managed landscape with a naturalistic feel shaped by riparian vegetation and well-developed hedgerows. The edges of the character area are defined by urban development, which can detract from the landscape where there are hard urban edges'*.

A Landscape and Visual Assessment (LVA) by TEP has been submitted by the applicant in support of the outline planning application. This noted that at the district level the Site is in LCA 13: Sence and Soar Floodplain. This character area is large and varied, following the narrow floodplain of the Soar and Sence rivers which flow between the settlements to the south-west of Leicester including Enderby, Littlethorpe. The character area is a low-intensity managed landscape with a naturalistic feel shaped by riparian vegetation and well-developed hedgerows. The edges of the character area are defined by urban development, which can detract from the landscape where there are hard urban edges

The LVA concludes that *'the study has assessed the potential effects on landscape character and concluded that these would be up to moderate adverse in the short-term and minor adverse in the long-term. Effects at greater at the site level and reduce in the wider area'*. It also noted that *'The greatest level of visual effects will be experienced by the closest receptors: primarily users of PRow Footpath/Byway W43 and residents of properties on the edge of Littlethorpe including Lodge Farm. During construction the overall effect on these receptors will be up to major adverse from the closest receptors. Such effects will be partially mitigated by proposed planting in public open spaces on the peripheries of the Site reducing the long-term effect to moderate or minor adverse. Effects in the wider area are minor, with the majority negligible. Finally concluding that 'this LVA has found that the effects of the Proposed Development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the Site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area'*.

The proposal would result in the loss of agricultural land mainly falling as Grade 4 (poor) in the Agricultural Land Classification system along watercourses with some Grade 3 land on the edges of the LCA. 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, and it is likely being along the watercourse that the land is in Grade 4. 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.

The existing western settlement edge of Littlethorpe is currently well defined by the line of houses fronting Beechwood Road, and the static caravans on Chestnut Close. The proposed residential development would extend this settlement edge out further west into the countryside. The application site is predominantly visible from Oak Road and Beechwood Road, but is also readily visible from the public right of way crossing the site and from the Leicester-Birmingham railway line. The site is also partially visible at a distance from other locations, including the B4114 near Langham Bridge.

A 'Zone of Theoretical Visibility' is shown in the LVA. It is noted that the surrounding landscape is generally flat and open, with only low hedgerows and occasional trees within hedgerows punctuating the otherwise open landscape. Whilst the immediately adjacent land is flat, the land does rise to the south (towards Cosby) and to the north (towards Narborough), and as such longer range views of the land from slightly higher ground would be possible.

The proposed development would impact on the currently open views from the edge of Littlethorpe towards Croft Hill in the mid-range views to the west. It is considered that the proposed development would constitute an intrusion of urban development into the countryside beyond the existing well defined settlement boundary of Littlethorpe and would cause harm to the character and appearance of the local landscape and countryside and character of the village. It is recognised that the previous application was refused on the basis that the loss of countryside would not be outweighed by the need to provide new housing development in this location and on the basis of the harm of the development.

It is further considered that some of the harm that could be caused by the delivery of housing on this site could be mitigated through a careful landscaping and planting scheme, which will be required as part of the Reserved Matters Application and further to this, the measures for Biodiversity Net Gain to improve the biodiversity in the area would also be enforced for a period of 30-years.

The impact of the development on the amenity of nearby residents

The proposed residential development would be closest to existing residential dwellings on Beechwood Road and Chestnut Close. The indicative masterplan, however, indicates that a green buffer of land will separate the new dwellings from existing dwellings and that landscape buffers will be provided along Chestnut Close and Beechwood Road to soften the development edge. The southeastern corner of the site (opposite the dwellings on Beechwood Road) will form one of the main areas for dwellings on the development, with the indicative masterplan indicating that this will incorporate footpaths, a play area and tree planting central to the site. The layout, scale and appearance of the dwellings is proposed to be determined at any future reserved matters stage. However, it is clear from the indicative masterplan that the proposed dwellings can be accommodated on the site without impacting on the amenity of neighbouring residents in terms of loss of privacy or light, aided by the proposed buffers.

In addition, it is recommended that the heights of the dwellings proposed are limited to two and a half storeys (where the third floor is incorporated into the roof space) to ensure that the dwellings do not appear to be overbearing on the nearby single storey dwellings.

The suitability of the site in terms of providing an acceptable standard of amenity to potential future residents has also been considered. A Noise Assessment by Noise Consultants has been submitted which identifies potential noise sources which are likely to have an impact on the development, which includes road traffic noise, railway noise and industrial noise. The report states that:

‘An initial site risk assessment has been undertaken in accordance with ProPG, which demonstrates that the Site is at a likely ‘Low Risk’ of adverse effects in the day and night-time on an open site basis and in the absence of specific mitigation measures. With windows open, predicted levels in some dwellings closest to the Birmingham to Peterborough railway line and towards the eastern Site boundary are expected to marginally exceed the adopted noise criteria, although this is commonly the case for many developments except for those located in remote rural locations. With windows closed, it has been demonstrated that a standard glazing/ventilation solution is capable of achieving the adopted internal noise criteria in all dwelling’.

The Council’s Environmental Services team provided the following advice: *‘A Noise Assessment, prepared by Noise Consultants (dated June 2024 ref. 15147A–20–R01–02) has been submitted with the application. I was consulted with reference to the proposed methodology of the assessment, as cited in paragraph 1.10 of the document. I consider that the document is reasonable in its approach and conclusions. It contains recommendations for layout and design that the applicant should use in the working up of details to be submitted at the Reserved Matters stage, should Outline planning permission be granted. I would expect the applicant to seek to achieve the highest possible level of noise attenuation for the occupiers of the new dwellings’.*

The impact of the development on the surrounding highway network

The application is accompanied by a Transport Assessment and a Travel Plan, both undertaken by Prime Transport Planning. A further Highways Technical Note has been provided, responding to the initial comments of the Local Highway Authority. In addition further traffic flow diagrams and swept path analysis drawings were provided along with a covering email from Prime Transport Planning. The application seeks outline planning permission, including approval of the means of access onto Oak Road.

The Transport Assessment considers the location of the site in sustainability terms and concludes that realistic options exist for the site for access to local amenities by modes of travel other than the private car, particularly walking, cycling and public transport. It comments that local primary schools and local amenities can be reached within the preferred maximum walking and cycling distances (of 2000m). That Transport Assessment notes that bus stops in the vicinity provide connections to main urban centres, and that Narborough station provides frequent rail services towards Leicester and Birmingham.

It has been demonstrated that the off-site study junctions will operate with spare capacity to serve the proposed development of up to 155 dwellings, with the impact of the proposed development being negligible. A review of person injury accidents has been undertaken which indicates that no accidents have occurred in the vicinity of the site.

The Transport Assessment concludes that the proposed development would not have a severe impact on the operation of the highway network both in terms of safety and capacity, describing the impact as negligible.

Objections from local residents in relation to highway matters have largely related to concerns about the access due to the narrowness of the surrounding roads and on–

street car parking, and concerns about congestion, particularly in relation to queuing traffic at the level crossing.

Leicestershire County Council Highways Authority provided the following comments on the fourth consultation of the application:

Site Access:*

'In its latest response to the application (dated 6 December 2024) the LHA confirmed that the applicant had demonstrated the principle of a safe and suitable access to serve the proposed development. However, the applicant needed to demonstrate a refuse vehicle could turn left from Oaks Rd into Beechwood Rd and turn left out of Beechwood Rd towards the new development because the LHA believed this was the route that the refuse vehicle was likely to take once the development was occupied'.

'After a review of the plans the LHA believes that the refuse vehicle may be required to use both sides of the carriageway on occasions to make the additional turning movements. Whilst this could therefore conflict with other traffic, the LHA considers this to be acceptable given that a refuse vehicle and / or other large vehicles would only be expected to visit the site infrequently'.

'The LHA note that Drawing P23103–001D shows that the carriageway width of Oaks Road at the junction has been widened to 5.5m, but the carriageway width of Oaks Road between Sycamore Way and the Beechwood Road junction is less than 5.5m. However, the LHA does not believe it would be able to sustain a highways reason for refusal based on this issue'.

Junction Capacity:

'The LHA previously accepted the applicant's conclusion that the proposed development would not have a significant impact at the Station Road / Leicester Road and Desford Road / Leicester Road / Coventry Road (Junctions 1 and 2 in the original TA). However, the LHA raised some concern with the performance of the B4114 / Desford Road roundabout (Junction 3 in original TA) and the methodology used by the applicant in the assessment.

The applicant has now provided further information regarding the traffic count undertaken at the B4114 / Desford Road roundabout and an updated junction model based on the advice provided by the LHA in December 2024.

The LHA is now satisfied with the new junction model for the B4114/Desford Road roundabout, which now uses lane simulation mode.

However, the results of the revised junction capacity modelling of the roundabout indicate there will be a deterioration in the performance of the junction in the 2029 with development AM and PM peak hour scenarios. The LHA consider the impact of the development to be significant in the context of paragraph 115 of the National Planning Policy Framework (NPPF, 2024).

Therefore, considering the level and the impact from the proposed development trips in the AM peak, the LHA require the applicant to propose a scheme of mitigation at the B4114 Coventry Road / Desford Road junction proportionate to the impact from their development’.

Transport Sustainability:

‘As set out in the highway observations dated 6 December 2024 the applicant has identified in Section 8 of TN1 that they would be willing to provide a Section 106 (S106) contribution to assist with the delivery of walking / cycling links in the South of Leicester area and improvements to replace the six-metre footbridge on the footpath section of Public Right of Way (PRoW) W43.

During the development of Local Transport Plan 4, Leicestershire County Council set out its strategic vision for LTP4 which is reproduced below:

‘Delivering a safe, connected and integrated transport network which is resilient and well managed to support the ambitions and health of our growing communities, safeguards the environment whilst delivering economic prosperity’.

To support this vision LCC has identified five core themes:

- Enabling Health and Wellbeing;*
- Protecting the Environment;*
- Delivering Economic Growth;*
- Enhancing our Transport Networks Resilience; and*
- Embracing Innovation.*

Therefore, given the location of the proposed development the LHA consider it reasonable to require a S106 contribution to the South–East Leicestershire Local Cycling and Walking Infrastructure Plans (LCWIP) and PROW contributions’.

The Office of Road and Rail has also been consulted and has no comments to make.

Network Rail were consulted on the application and did not raise an objection to the proposed development, however had some concerns in relation to Narborough Level Crossing. Network Rail provided the following response *‘The safety of railway level crossings and all crossing users is of paramount importance to us and we would have concerns over any proposed scheme that would increase the usage and risk of a railway crossing. In this instance, we note that the scheme is in proximity to the railway crossing on Station Road, which is a manually Controlled Barriers worked crossing.*

We observe that the area currently experiences significant traffic congestion, particularly when passing through the village of Narborough and over the Narborough level crossing. Recent inquiries have highlighted concerns regarding the barrier down time at Narborough Level Crossing, which contributes to congestion during peak commuter periods. The existing road layouts around the level crossing are heavily congested with amenities, impeding the smooth flow and quick dispersal of traffic, especially during these peak times. The addition of new housing is likely to increase traffic volume, thereby exacerbating congestion and blocking back at the level

crossing. The council should therefore satisfy themselves on matters of highway interest'.

In addition, Network Rail requested that level crossing safety leaflets are provided to the new homeowners at the site, which can be dealt with through the imposition of conditions.

In summary, and based on the Local Highway Authority's comments, it is not considered that the impacts of the development on highway safety would be unacceptable and therefore the application can be approved in lines with Policy CS20 and DM2 and the relevant policies of the National Planning Policy Framework.

Sustainable Travel

Active Travel England provided Standing Advice for the application, which states that for outline planning applications it is advised that an appropriate design code is included with the submission and secured by design where appropriate. The development site is located some 1200m from local amenities in Narborough, which is greater than the distance recommended by the Active England Standing Advice. It is however recognised that this development would support through planning obligations improvements to nearby infrastructure and Public Right of Way improvements and the delivery of up to 155 dwellings within the site is a local benefit, when considering the District Council's current housing land supply.

To ensure that the development site is laid out in a sustainable manner for travel, the following will be considered at the Reserved Matters stage of the application: site permeability (fully accessible internal routes, pedestrian and cyclist priority at road crossing points, considering of the layout in regard to the Manual for Streets), Placemaking (appropriate natural surveillance and lighting, not including sharp turns, continuous and legible routes) and Cycle Parking.

BDC Active Travel Officer provided comments upon receipt of LCC Highways final comments that they didn't have anything to add. They are not entirely convinced that W43 is going to either generate or mitigate a lot of travel as it doesn't link any significant trip generators. They also noted that they would like to see dedicated cycle storage within the development, as well as ensuring that internal circulation is dealt with.

Waste Collection

As the planning application has been submitted for outline permission, Neighbourhood Services are unable to comment on the site waste collection points, therefore this detail will be conditioned for the reserved matters stage of the application.

Flood risk

Policy CS22 of the Core Strategy directs development towards locations at the lowest risk of flooding within the District, giving priority to Flood Zone 1. A Flood Risk Assessment has been submitted with the application which demonstrates that most of the site is located within Flood Zone 1 along with the access/egress. There is an area

of the site along the northern boundary which is shown to be located within Flood Zone 2 (and a small area within Flood Zone 3). However, based on the indicative site plan, no built development is proposed in these areas and therefore a sequential test is not required.

The Flood Risk Assessment notes that it has *'considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. These rates have been calculated, and it has been demonstrated that surface water can be managed, such that flood risk to and from the Site following development will not increase. This will be achieved through restricted discharge rates and appropriately sized detention basins, with outfalls to Ditch 1, Watercourse 1 and Cosby Brook'*.

The report concludes that *'it is proposed that foul flows will discharge to the public combined sewer via a gravity connection.*

The FRA demonstrates the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. The development should therefore not be precluded on the grounds of flood risk, as well as surface water and foul drainage'.

The LLFA provided the following comments on the application:

'Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 7.22ha greenfield site (all built development and access/egress) is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. There is a small pocket of medium to high surface water flood risk in the southeastern part of the site. The proposals seek to discharge at 5 l/s via 3 detention basins to 3 separate locations, watercourse 1 (northern basin) and ditch 1/Cosby Brook (southeast and southwest basins) via pervious paving and a dry detention basins to the on-site watercourses.

It is advised that the base of the proposed ponds fall below the predicted off-site 1 in 100 year plus climate change fluvial flood levels. As a result, surcharging of the proposed ponds will need to be accounted for within any detailed design. As the proposals are for outline approval only, the scale of SuDS shown within any future reserved matters application must consider this along with supporting calculations.

As the adjacent Cosby Brook is classified as Environment Agency (EA) main river, the applicant should consult with the EA to ascertain their requirements which would inform the masterplan (e.g. provision of an easement to allow for maintenance). An EA Permit may need to be sought prior to any works being commenced. They should also be consulted in relation to environmentally sensitive receptors. The other watercourse identified is classified as an ordinary watercourse; as such consent may be required from Leicestershire County Council in their role as LLFA, under the Land Drainage Act (1991) for any activities within close proximity.

To safeguard access to watercourses or ditches for future maintenance, inspection and improvement works in the future; clear margins should be provided from the top of banks. A minimum clear margin of 3m should be provided from each top of bank for

watercourses less than 2 metres in width, a minimum clear margin of 4.5m should be provided for watercourses 2 metres or greater in width.

The proposals are to discharge via 3 detention basins to 3 different watercourses. Water butts, Permeable paving, Filter strips and Swales have also been considered within the FRA and further details relating to these SuDS features should be provided at detailed design’.

In addition, the LLFA provided suggested conditions, which have been included as recommendations when approving the application.

The Environment Agency were consulted on the application and considered the development would only meet the NPPF requirements if a condition were to be imposed upon the decision, requiring the development to be carried out in accordance with the Flood Risk Assessment, the development be situated in Flood Zone 1 and that No built development or ground raising shall be located within 8 meters of the top of the bank of any main river.

Network Rail in their consultation response states that *‘it is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail’*. Any development would require the imposition of conditions in regard to surface and foul water, which would include this drainage. Network Rail have also provided several informatives to be included at the end of a Decision Notice approving the development.

The applicants have provided a copy of their Pre-development enquiry from Severn Trent Water and provided a letter from their Agent noting the following:

‘The response from STW confirms the most suitable foul water connection points for the site and that the network has capacity to accommodate the flows from the proposed development. A connection to the foul water drainage network is acceptable to STW, subject to a S106 (Water Industry Act 1991) submission.

Notwithstanding this, under S106 of the Water Industry Act 1991 developers have a statutory right to communicate with public sewers. STW, as the statutory undertaker, is obligated under the Water Industry 1991 Act to provide the necessary network reinforcements should these be required to ensure the foul sewer network can cope with the flows generated by the development. For each new dwelling the developer will pay a connection fee to the statutory undertaker for both potable and foul water network connections irrespective of capacity’.

The proposed development is therefore not considered to be vulnerable in terms of flood risk to the site and is not considered to increase flood risk elsewhere, subject to an appropriate surface water drainage scheme being agreed. The proposal is therefore considered to accord with policy CS22 of the Core Strategy.

The impact on designated heritage assets and archaeology

An Historic Environment Desk-Based Assessment by TEP (June 2024) has been submitted to accompany the application. This identifies that the Grade II* Listed Church of All Saints, Narborough, The Plough Inn (Grade II listed) and Littlethorpe Lodge (Non-designated Heritage Asset) may experience some indirect effects from the development. The assessment considers that the development will have no direct impacts on known heritage assets due to the intervening distance between the proposed development and known assets.

The assessment notes that The Church of All Saints occasional views of the uppermost elevations of the church. No views were available during the site visit, but were noted in previous assessments (Sutherland, 2019). The assessment determined that the proposed development will have a neutral magnitude of indirect effect on the Church of All Saints and Plough Inn. It was considered that the proposed development will have a moderate adverse impact on Littlethorpe Lodge.

The assessment considers that of the indirect effect on the Church of All Saints is assessed to be none, based on the high (national) heritage significance of the church and the neutral magnitude of effect, the significance of the indirect effect on the Plough Inn is assessed to be none, based on the neutral magnitude of effect and the moderate (regional) heritage significance of the inn and the significance of the indirect effect on the Littlethorpe Lodge is assessed to be low, based on the moderate adverse magnitude of the effect and the low (local) heritage significance of the asset.

The Historic Assessment also notes that *'it has been assessed that the proposed development site has a low to moderate potential for as yet unknown heritage assets of the Prehistoric and Roman periods and a low potential for remains of the Early Medieval to Modern periods. Any as yet unknown remains of archaeological interest present within the proposed development site are likely to comprise of individual findspots or archaeological remains associated with agricultural use or rural settlement and would be of low (local) heritage significance'*.

BDC Principal Planning and Conservation Officer considers that the impacts on the Narborough Conservation Area will be preserved. In regard to The Plough in and The Old House, the Officer considered that given the intervening physical features that lie between the application site and these listed buildings, does not consider there would be harm to their heritage significance. The Officer noted that The tower of the Church of All Saint's in Narborough can be glimpsed from the application site, but existing vegetation, intervening distances and the presence of established buildings obscures predominantly obscures these views. The Officer commented that although very faint glimpses of the church can be seen from the application site, I do not consider that the application site forms part of the setting to the Church of Al Saints and as such, I do not consider that there would be harm to its heritage significance. In addition the Officer also noted *'In my view, the overall heritage significance of Lodge Farm is low and there are no direct impacts that would affect its physical remains'*.

In terms of archaeology, the assessment considers the site to have low-moderate potential for archaeological remains dating to the earlier prehistoric and Roman periods, with lesser potential for other periods. 'The Leicestershire and Rutland

Historic Environment Record (HER) notes the presence of prehistoric flints recorded within site together and the proximity to the historic settlement core of Littlethorpe. Iron Age, Roman, Early Medieval, Medieval and Post-Medieval finds are recorded in the near vicinity, whilst the Fosse Way Roman Road and barrow cemetery are located in the wider area. A tributary stream of the River Soar also lies in the vicinity raising the potential for palaeoenvironmental remains and their survival, together with archaeological remains typically focused along watercourses and/or in their locale (e.g. burnt mounds)'.

The County Archaeology team has considered the submitted information and recommends that any planning permission is only granted subject to a condition requiring a programme of archaeological work, including trial trenching, in accordance with a written scheme of investigation, to be submitted to and approved by the District Planning Authority.

The ecological impact and Biodiversity Net Gain (BNG)

Policy CS19 of the Core Strategy seeks to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas.

An Ecological Impact Assessment (November 2024) has been submitted in support of the application. This notes in the Executive summary that the *'Impacts upon nearby designated sites and priority habitats and protected and notable species will be mitigated for through the implementation of a CEMP and PWMS. With implementation of the precautionary working methods, and the production of a CEMP, no significant ecological effects are expected on statutory or non-statutory wildlife sites, notable habitats or protected or notable species.* Recommendations for habitat creation and wildlife enhancement will be secured through biodiversity net gain and implementation of a BEP'.

The Ecological Impact Assessment states that *'the habitats on site with the greatest relative ecological value are the hedgerows and streams along the northern and western boundaries. Although not considered 'important', areas of poor semi-improved grassland, tall ruderal, scrub, lines of trees and scattered trees are still of ecological value'*.

A single designated site of national importance is located within 2km of the site boundary (the Narborough Bog SSSI, which contains one of the largest natural reed-beds in Leicestershire together with areas of wet woodland and meadow). In addition, six non-statutory designated sites of local importance lie within 1km of the site boundary, two of which are immediately adjacent to the north eastern corner of the site Osier Beds Local Wildlife Site (LWS) and Thorpe Meadows and River Soar LWS. A wildlife corridor along the northern boundary of the site would be maintained and buffered with semi-natural habitat.

Leicestershire County Council Ecology has been consulted and has no objections to the application, confirming that the Ecology Survey Reports are satisfactory, noting that the habitats are generally of low ecological value but that mitigation and compensation will be required for nesting birds, reptiles and badgers. These measures

will be dealt with through the Construction Environment Management Plan, which will include protected species and precautionary working measures.

Natural England were consulted on the application and had no objection subject to appropriate mitigation being secured to prevent harm to Narborough Bog. Natural England advise that a Construction Environment Management Plan (CEMP) be submitted to detail how this proposed development will avoid, minimise and mitigate its environmental impact on the nearby designated sites, which should also reference the SSSI (including measures to prevent impacts from pollution of watercourses). Natural England welcomed the use of Sustainable Drainage and stated the importance of monitoring and maintaining the systems to ensure that there is no impact on the nutrient or water level at the designated site. Both the CEMP and ongoing maintenance of the SuDS shall be conditioned in lines with the consultation comments. 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. This site was submitted after the introduction of Mandatory BNG, therefore this applies to the development.

LCC Ecology were consulted on BNG for the proposed development and noted the following: *'Mandatory biodiversity net gain applies to the site. Currently the metric is showing a net loss in all tabs (area habitat, hedgerow and watercourse), which will require off site enhancement. It is understood that the watercourse and the majority of the other units will be created through the adjacent land in the applicant's ownership. Confirmed details of this will be required as a planning condition'.*

The development will be subject to the mandatory BNG condition, conditions relating to construction mitigation (CEMP) and a condition for a Landscape and Ecological Management Plan (LEMP) and entering into a s106 agreement for the BNG on-site and off-site enhancements.

Trees and Hedgerows

Leicestershire County Council Tree and Woodlands (Forestry) were consulted on the application and provided the following comments:

'An Arboricultural Impact Assessment has been submitted which details the arboricultural resource on site and considered the potential impact of the development. It is clear that there are very few trees within the site with the main interest being the field hedges which intersect and border the site. The survey records under 0.4ha of canopy cover and 949m of hedgerow. 5 individual trees, 7 groups of trees and 7 hedges within influencing distance of the site. All 949m of hedge recorded during the survey meets the description of Hedgerow Habitat of Principal Importance. The outline design seeks to retain the majority of hedges with the removal of a small section of hedgerow (82m) to facilitate access off Oak Road. A robust tree protection plan and method statement for trees and hedges should be provided as a condition of planning'.

Air Quality

An updated Air Quality Assessment, undertaken by Air Quality Consultants, has been submitted to accompany the application. The report considers Road Traffic Impacts and notes that 'the assessment has demonstrated that the overall air quality effect of the proposed development will be 'not significant'; it will not introduce any new exposure into areas of unacceptable air quality, nor will the development-generated traffic emissions have a significant impact on local air quality. It is, therefore, not considered appropriate to propose further mitigation measures for this development' and notes that 'Measures to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction of more stringent emissions standards, largely via European legislation (which is written into UK law)'.

The Air Quality Assessment also considers Construction Traffic and risk of dust during construction noting that as there are fewer than 50 heavy vehicles accessing the site on any given day (below the 100 screening requirement), it is not considered necessary to assess the impacts of traffic emissions during the construction phase.

The report states that the construction works will give rise to a risk of dust impacts during demolition, earthworks and construction, as well as from trackout of dust and dirt by vehicles onto the public highway. Step 1 of the assessment procedure is to screen the need for a detailed assessment. There are receptors within the distances set out in the guidance (see Appendix A1), thus a detailed assessment is required.

The Council's Environmental Services team is satisfied that the conclusions of the Air Quality Assessment for the operational phase of development are reasonable, the AQA was amended to show the correct Air Quality Management Areas. ES request that a Dust Management Plan be submitted for approval as part of the planning conditions.

Many of the representations made by local residents have referred to concerns about air quality, particularly in the vicinity of the level crossing, associated with queuing traffic. The Transport Assessment notes that '*the greatest impact of the development will be on the Station Road/Sycamore Way junction and Station Road/Riverside Way junction, which will both experience an increase of 58 two-way trips (16.2%/6.6%) in the AM peak and 56 two-way trips (14.7%/5.9%) in the PM peak. The Station Road/The Square junction is expected to experience an increase of 18 two-way trips (6.1%) in the AM peak and 17 two-way trips (5.3%) in the PM peak*'. This is a relatively small increase and therefore not sufficient to refuse the application on this basis.

Minerals assessment

Policy DM15 of the Delivery DPD requires development proposals in areas identified for mineral safeguarding to ensure that mineral resources of national or local significance are not needlessly sterilised by non-mineral development. Leicestershire County Council, as the Minerals and Waste Planning Authority, were consulted due to the site lying within the Sand and Gravel Mineral Consultation Area.

A Mineral Resource Assessment by Wardell Armstrong (June 2024) was submitted which provides evidence that the mineral in the site will never be worked because it

would not be commercially viable or environmentally acceptable. Consequently, the mineral on the site is not considered to be a resource of economic value or potential value. Leicestershire County Council has been consulted and confirmed that it has no objection as the mineral deposit beneath the development site is too small to be viable for future extraction.

The proposed development is therefore considered to accord with Policy DM15 of the Delivery DPD and with Policy M11 of Leicestershire's adopted Minerals Core Strategy.

Contamination

A Phase 1 Geo-Environmental Report has been submitted, by Enzygo Environmental Consultants. This concludes that the site is considered to present a low contamination risk, associated with the current land use of agricultural fields. The report recommends that a Phase 2 Ground Investigation should be undertaken to provide design information for future development works and to assess any land quality issues and the need for and appropriate methods of remediation. The Council's Environmental Services team recommends that the Phase 2 Ground Investigation and any necessary remediation works can be secured by condition.

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 provision, special educational needs and disability provision (SEND), 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 155 dwellings proposed, the development would yield 47 primary ages children, 26 secondary aged children, 6 Post 16 children and 2 SEND children. A request for contributions was made by the County Council, which took into account deficits or surpluses in existing provision, and so £188,216.40 is sought for Secondary Education (11-16), £36,945.85 for Primary SEND Education and £50,549.22 for Secondary SEND education. No contribution is required for primary education and Post 16 on the basis of an existing surplus of places.

LCC Highways

Sought the following obligations in the interests of encouraging sustainable travel to and from the site:

1. 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). 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 £500.00.
Justification: To inform residents from first occupation what sustainable travel choices are available in the surrounding area. Suggested trigger point: Prior to first use of the development.
2. Six-month bus passes, two per household (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £490.00 per pass.
Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use. Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total development, except payment may be deferred by agreement with the County Council.
3. A Residential Travel Plan monitoring fee of £6,000.00 for Leicestershire County Council's Travel Plan Monitoring System.
Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement. Advised Trigger: 100% of contribution paid prior to first occupation.
4. Appointment of a Travel Plan Co-ordinator from commencement of development until five years after the occupation of the last unit. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.
Justification: To ensure effective implementation and monitoring of the Travel Plan submitted in support of the planning application.
5. A contribution of £50,000 towards the delivery of Corridor 12 in the Local Cycling and Walking Infrastructure Plan for the south of Leicester area.
Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use. Suggested trigger point: 100% of contribution paid prior to first occupation.
6. A contribution of £20,000 towards Public Right of Way improvements including replacement of the six-metre footbridge on the footpath section of Public Right of Way W43.

Justification: In the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use.
Suggested trigger point: 100% of contribution paid prior to first occupation.

Libraries

The nearest library to the development is Narborough 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 £4680.64 is sought to provide improvements to the library and its facilities on the basis of a 155 dwelling development.

Waste contribution

A contribution of £3699.85 is sought for the 155 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.

Health Care

The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £120,032.00 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 requested a contribution of £29,344.60 for the 155 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.

Playing Pitches

Blaby District Council Sport and Physical Activity Team have utilised the Sport England Playing Pitch Calculator to request a contribution towards playing pitches within the local area of the site, calculating the need based on the estimated population of the site at 372 residents. The final sum is calculated as follows:

‘Funding towards the Artificial Grass Pitches for this development can be seen in table 10 and is calculated at a capital cost of £30,166. In addition, a 10–year lifecycle cost to maintain the surface would equate to £8,870. Contributions from the FA (who fund up to 75%) plus other development funding should result in a viable business case for the construction of an Artificial grass pitch at Holmes Park.

Developer Contributions towards grass pitch improvement at Warwick Road Recreation Ground is calculated as a capital cost of £31,678. The PPC calculates funding for new provision, so an assessment report of the site would have to be carried out to calculate the cost of improvements to the pitches currently in place for an accurate costing. 2–year maintenance of the pitch improvement would total £12,708.

To support the pitch improvement at Warwick Road Recreation Ground, it is recommended that a contribution is considered towards improving the poor changing facilities on site, to support football and Cricket provision. This would equate to a capital cost of £140,693 for this development.

Finally, improvements to Vipers RFC including improved drainage and increased flood lighting to support overplay of Rugby Union in Blaby East, is calculated at a capital cost of £8,381, supported with 2–year maintenance of the pitch surface at £3,102.

The total developer contribution for the proposed projects listed above would be £235,598’.

Blaby District Council Refuse 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 £7,595 would therefore be required of a scheme of 155 dwellings.

Affordable housing and housing mix

Policy CS7 of the Core Strategy 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, which should be provided on site, except in exceptional circumstances. The submitted Planning Statement confirms that the proposed development will provide for a policy compliant provision of affordable housing (25% or up to 39 units).

BDC Housing Strategy Officers have provided the following advice:

'We also have a focus on the size, location and design of the affordable properties with our aims being that ...

- Affordable units across the site should be indistinguishable from market properties in terms of their design, layout and location*
- Affordable properties should be spread across the development in clusters of no more than 6 dwellings.*
- Affordable homes must be 1 bed, 2 person, 2 bed 3 person (bungalows only) 2 bed, 4 person, 3 bed, 5 person and 4 bed 7 persons. They must meet the minimum size criteria of 85% of NDSS Standards (please see table at the end of this email).*
- Whilst we would prefer one bed units as quarter houses, we will accept flatted units, however they will require their own entrances with outside space and parking.*
- Adequate car parking is essential for affordable homes*
- Rear Garden access is also required for all affordable homes'.*

The layout of affordable homes and exact housing tenure and size will be established through the outline planning application.

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

Policy CS8 of the Core Strategy requires residential proposals for developments of 10 or more dwellings to provide an appropriate mix of housing types, tenures and sizes to meet the needs of existing and future households in the District. The housing mix is a matter which would be determined at reserved matters stage. However, the Council's Housing Strategy team has outlined its preferred mix at this stage, for both the affordable and market housing. This is set out below:

Affordable Mix Based on 39 Units	1 bed	2 beds	3 beds	4 beds	Bungalow	Total	%
Social Rent	6	13	7	1	4	31	80%
Shared Ownership	0	2	6	0	0	8	20%
Total	6	15	13	1	4	39	100%

Market Mix Based on 116 HNA Units	1 bed	2 beds	3 beds	4+ bed	Bungalow
Market	6	29	40	29	12
	5%	25%	35%	25%	10%

In addition, in order to secure Accessible and Adaptable Homes to make homes adaptable for changing and unforeseen circumstances, Policy DM11 of the Delivery DPD requires development proposals for housing of 20 dwellings or more to meet the Building Regulations Standard M4(2) for 5% of the dwellings (unless site specific circumstances indicate this cannot be achieved or there are viability issues). This is also a matter which would be determined at any future reserved matters stage.

Open space

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 155 dwellings would have a total population of 372 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 Planning Statement and Indicative Plan indicate that a total of 2.76 hectares of public open space will be provided on site. The on-site open space comprises the drainage attenuation, footpaths play area (LEAP) and a central open space, with new planting and site buffer zones. No outdoor sports space or cemeteries are proposed on the site.

Type of open space	Amount per 1000 population in ha (Delivery DPD figures)	Amount for 155 dwellings (372 population) in ha	Actual Provision in ha
Parks and Recreation	0.23	0.08	
Natural Greenspace	2.6	0.97	
Informal Open space	1.0	0.372	
Children and Young People's Open space	0.06	0.022	
Allotments and Community Gardens	0.25	0.093	
TOTAL		1.885	2.76

The overall amount of open space proposed exceeds the requirement of 1.885 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.

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 155 dwellings, of which 25% would be affordable dwellings on a site which adjoins the Settlement Boundary of Littlethorpe, 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 therefore whilst the focus is on development in the PUA, sites adjoining the Medium Central Villages are set out as being appropriate locations for housing development in the spatial strategy for lower levels of growth. 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 155 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 Littlethorpe.

It is acknowledged that the proposed development would have landscape impacts at the local level. 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 eastern side of Littlethorpe and would create a more built-up urban edge to the village than currently exists when viewed from the residential dwellings along Beechwood Road and Chestnut Close.

A previous outline planning application in 2019 for 108 dwellings on the site was refused. It was considered that the development would conflict with policy in regard to sustainable development. In addition, it was considered that the loss of countryside would not be outweighed by the need to provide new housing development in the location and that it would represent an unwarranted intrusion of urban development of the greenfield site. It is acknowledged that the Council could demonstrate a five-year housing land supply when this decision was made and that the councils housing land supply is significantly different.

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 required to B4114 Coventry Road/Desford Road roundabout. Sustainable transport or Active Travel routes will be improved through contributions, which includes the Public Right of Way (W43) and local cycling and walking infrastructure plans.

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 mainly falling as Grade 4 (poor) and the loss of the 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, that would be restricted to a localised geographical area and would not result in substantial harm to the landscape character beyond the site boundary.

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.

24/0874/FUL

**Registered Date
14th October 2024**

THS Containers

The Works, Aston Lane, Sharnford

Demolition of existing pre-fab offices and siting of 29 self-storage containers with erection of new boundary fencing and landscape bund.

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

RECOMMENDATION:

THAT APPLICATION 24/0874/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:

- Biodiversity Net Gain Monitoring contribution

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. Site to only be used for the purposes specified in the application (storage containers and not industrial purpose).
4. Specified hours for the site.
5. Full details of the proposed lighting to be submitted.
6. Full details of any security cameras to be submitted.
7. Full details of protective fencing details for existing trees to be submitted.
8. Submission of Demolition Method Statement.
9. Flood Risk Assessment to be adhered to.
10. Access and egress to the site shall be available during the hours of use.
11. Storage containers to be sited in accordance with the site plan and no double stacking is permitted.
12. Permitted colour of the proposed boundary fence and storage containers.
13. No storage containers shall be sited until details of the proposed species in the proposed landscaping have been submitted and agreed.
14. The proposed landscaping along the northern boundary shall be managed and maintained to a maximum height of 2.4 metres in perpetuity.
15. Relevant sections of the Preliminary Roost Assessment to be adhered to.
16. Landscaping along the northern boundary to be planted prior to the siting of any storage containers.
17. Details of waste or bin storage details to be submitted prior to their installation.
18. Reporting of unexpected contamination.

NOTES TO COMMITTEE

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

“... that due to the proposed containers overall mass, size and design, combined with the limited scope for meaningful screening of the containers, the proposal would result in a prominent addition to the street scene to the detriment of the character and appearance of the area and be out of step with the development pattern of the locality. The proposed use of the containers which are located close to residential properties on Buckingham's Way would be detrimental to the amenities currently enjoyed by the occupiers of those properties.”

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 CS19 - Bio-diversity and geo-diversity
Policy CS22 - Flood risk management
Policy CS24 - Presumption in favour of sustainable development

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

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

Fosse Villages Neighbourhood Plan 2018 – 2029 (2021)

Policy FV4 - Biodiversity
Policy FV6 - Design

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Consultation Summary

Blaby District Council, Environmental Services – October 2024 Consultation: No objections subject to the imposition of conditions.

December 2024 Re-consultation: No objections subject to the imposition of conditions.

Following the revised layout, an updated Flood Risk Assessment & Drainage Strategy was provided to the consultee. The consultee confirmed that they had no further comments to make.

Blaby District Council, Neighbourhood Services – No objections.

Environment Agency – October 2024 Consultation: Recommended the inclusion of a condition.

December 2024 Re-consultation: Comments as above.

January 2025 Re-consultation: Comments as above.

Leicestershire County Council, Ecology – October 2024 Consultation: Holding objection – Further information required.

Consultee requested the provision of a daytime bat survey and nesting bird survey and further information and clarification regarding the submitted BNG assessment.

Following these comments, the applicant updated the BNG spreadsheet and provided justification in relation to the queries raised by the consultee. The consultee confirmed that it had no further comments regarding the BNG Assessment.

The applicant also provided the consultee with a Preliminary Roost Assessment (PRA) (dated December 2024). The consultee confirmed that following review of the report, the findings and recommendations provided were proportionate and concluded that no roosting bats or nesting birds should be impacted by the works. The consultee raised no objection, subject to the imposition of conditions.

Leicestershire County Council, Forestry – October 2024 Consultation: Requested for the applicant to provide a Tree Survey.

Leicestershire County Council, Highways – 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, subject to the imposition of a condition.

Leicestershire County Council, Lead Local Flood Authority – No comment.

Following a response from the applicant, the consultee confirmed that the Tree Survey would not be necessary.

Leicestershire County Council, Minerals and Waste – No objections.

Sharnford Parish Council – October 2024 Consultation: Objection. Raised concerns regarding flooding, noise impacts during the construction phase and subsequent operational phases and lack of lighting information.

December 2024 Re-consultation: Referred to previous objections.

Third Party Representations:

A total of 12 representation comments were received during both consultations in October and December 2024, in summary raising the following concerns:

Visual impact

- The proposed containers being within close proximity to the residential properties to the north;
- The height of the proposed containers being taller than the existing boundary fencing;
- No landscaping being proposed between the containers and residential properties;
- Impact on the character and appearance of the area;
- The proposed containers will become weather worn and rusty and be an eye-sore;
- Out of keeping with the development pattern of Sharnford; and
- The unattractive design and height of the proposed boundary fencing.

Impact on residential amenity

- Loss of light to residential gardens to the north; and
- Noise impacts from the opening and closing of container gates late at night.

Highways

- Impact on the highway and an increase in traffic generation; and
- The entrance boundary appearing to overlap the public footpath.

Flooding

- Flooding.

Biodiversity

- Protected species being located within the pond south of the application site.

Following the October 2024 consultation and a site visit, the applicant provided a revised layout proposal following feedback received from the Case Officer. A re-consultation in December 2024 was carried out. During this, residents raising the following concerns, in addition to the above:

- Loss of views;
- Devaluation of property;
- Queried the maintenance arrangements of the proposed hedgerow to the northern boundary; and
- Potential for double stacking of storage containers.

Relevant Planning History

Application no.	Description	Decision & Date
18/0795/FUL	Erection of new office building and associated car parking.	Approved 31.07.2020
22/0858/FUL	Demolition of existing pre-fab offices and erection of new industrial unit.	Refused 23.03.2023

23/0670/FUL

Demolition of existing pre-fab offices and erection of new industrial unit (resubmission of 22/0858/FUL).

Refused
27.10.2023

EXPLANATORY NOTE

The Site

The application site measures approximately 0.15 hectares and currently contains an unused pre-fabricated single-storey office building to the centre of the site and informal car parking and a grassed area to the west, which fronts Aston Lane. The site is open in character, with a pond located to the south of the office block (outside of the site boundary). During a site visit, a couple of existing storage containers were noted as being used on the application site. To the east of the site, outside of the site boundary, are existing commercial industrial units (Use Classes B2 and B8), which are accessed via the hardstanding which runs along the northern boundary of the application site, as well as an access south of the pond, which also connects to Aston Lane.

The site is located to the eastern side of Aston Lane and is set within the settlement boundary of Sharnford. Residential properties directly adjoin the site's boundary to the north (Buckingham's Way), as well as further southeast (Fox Hollies). To the south is a large area of B8 storage container use and to the west, on the opposite side of Aston Lane, is a large industrial and storage site (Brindley Transport). The Brindley Transport site is allocated in the Fosse Villages Neighbourhood Plan as an employment site (Policy FV15), which is safeguarded for employment development (uses falling within Class B of the Use Classes Order including offices (B1), manufacturing (B2) and small-scale warehousing and distribution (B8)).

The Proposal

The application seeks permission for the demolition of the existing pre-fabricated office building and the siting of 29 self-storage containers (23no. 20ft x 8ft containers and 6no. 10ft x 8ft containers). 3no. of the smaller containers and 11no. of the larger sized containers are proposed to the northern boundary of the site, 3no. of the smaller containers are proposed directly south of the proposed access gates and 12no. of the larger sized containers are proposed on the southern boundary of the site.

The proposed storage containers to the north of the site have been set back from the boundary by 1.5 metres, with a new landscaped hedgerow between the existing fence line of the adjoining residential properties and the storage containers. The hedge planting would have a depth of 600mm with a 900mm access strip for access and maintenance purposes.

A 2.4-metre-high boundary fence is proposed to front Aston Lane, on the site's western boundary, as well as the addition of electric security gates and a landscaped bund (approximately 0.6 metres high). The existing point of access is to be used to serve the proposed development.

The proposed gates are set within the application site away from the highway to allow for vehicles to stand clear of Aston Lane.

The proposed opening hours are Monday – Friday 08:00 – 18:00, Saturday 08:00 – 14:00 and on Sunday and Bank Holidays the site will be closed.

The Planning Statement submitted with the planning application states that in terms of intended users, priority will be given to the following customers / categories:

- Long-term lets for domestic goods e.g. people who are moving abroad or are between house exchange and require storage for household goods;
- Multiple container lets, priority will be given to customers who want to let multiple containers to reduce traffic coming in and out of the site;
- Students;
- Local small traders who only require minimal access to the containers during proposed opening hours; and
- Long-term rental for household goods / additional storage requirements for households.

During opening hours, the electric security gates will be kept open to allow customers easy access to the containers.

Planning Considerations

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

National Planning Policy Framework (NPPF)

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

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

- An economic objective;
- A social objective; and
- An environmental objective.

The National Planning Practice Guidance (NPPG) provides supporting guidance to the

interpretation of the NPPF.

DEVELOPMENT PLAN

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

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

Policy CS1 – Strategy for locating new development

Policy CS1 seeks to focus new development in the most sustainable locations in the District, primarily within and adjoining the Principal Urban Area (PUA) of Leicester. Lower levels of growth are allowed in Rural Centres, Medium Central Villages and Smaller Villages. The policy encourages development of previously developed land (brownfield) and underused land and buildings.

Policy CS2 – Design of New Development

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

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 CS19 – Bio-diversity and geo-diversity

When considering development proposals of an appropriate type and scale, the Council will seek to ensure that opportunities to build in biodiversity or geological features are included as part of the design.

Policy CS22 – Flood Risk Management

Development will be directed to locations at the lowest risk of flooding within the District and give priority to land in Flood Zone 1. The site is partially located within Flood Zones 2 and 3 (to the southern boundary).

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. The policy requires that when considering development proposals, the District Council always works proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

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

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

The Delivery DPD was adopted on 4th February 2019 and full weight can be given to the relevant policies contained therein. It sits alongside the Core Strategy to form part of the Development Plan for the District. The following policies are relevant to this application:

Policy DM1 – Development within the Settlement Boundaries

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

- Provide a satisfactory relationship with nearby uses that would not unduly impact on neighbours;
- Be in-keeping with the character and appearance of the area;
- Would not result in overdevelopment;
- Is acceptable in layout, design and external appearance; and
- Would not prejudice the comprehensive development of a wider area.

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking and servicing provision which complies with Leicestershire Local Highway Guidance. The policy also states that “... *all new development and changes of use will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance*”.

Fosse Villages Neighbourhood Plan 2018 – 2029 (2021)

The Fosse Villages Neighbourhood Plan was made on 15 June 2021 and comprises the following 10 Parishes which are situated to the south-west of the District: Croft, Huncote, Sapcote, Sharnford, Stoney Stanton and Thurlaston. The following policies are the most relevant to the proposed development:

Policy FV4 – Biodiversity

Policy FV4 states that new development which minimises impacts on and provides net gains for biodiversity and enhances resilience to current ecological pressures on habitats at Fosse Meadows Nature Park will be supported. New development will be expected to maintain and enhance existing ecological corridors and landscape features 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 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.

Material Considerations

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

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

- The principle of the development;
- The impact of the development on the character and appearance of the area;
- The impact of the development on the residential amenities of neighbours;
- The impact of the development on the surrounding highway network; and
- Other material considerations.

The principle of the development

Policy CS1 of the Core Strategy defines Sharnford as a ‘Smaller Village’ where lower levels of growth will be allowed and where the scale of development should reflect the settlement range of services and facilities.

The application site is Previously Developed Land (brownfield) and Policy CS1 encourages the use of brownfield land and underused land and buildings. The existing pre-fabricated office building proposed to be demolished is currently unused.

As the site is an established commercial site and the proposal does not increase the overall scale of development it is considered that the principle of the development is acceptable.

The impact of the development on the character and appearance of the area

Following a site visit your Officers requested design changes to improve the overall visual appearance of the proposals. Such changes included: for the proposed storage containers along the northern boundary to be further off-set from the site boundary; the addition of high-quality landscaping along the northern boundary, to soften and improve the visual appearance of the site; and to reduce the overall number of storage containers and to reposition them, as the originally proposed density was considered too high.

Following these comments, the number of proposed storage containers was reduced to 29no. (a total reduction of 7no.) and the layout was amended. In addition, the proposed storage containers sited to the north of the application site were set back from the shared boundary by 1.5 metres, with the inclusion of a new landscaped hedgerow between the existing fence line and the rear containers.

As part of the original proposals, a landscape bund is also proposed to the front of the site, facing onto Aston Lane, as well as a small, planted area north of the proposed access gates. Paragraph 4.8 of the Planning Statement comments that the bund is proposed to include: “... *modified grassland on its slopes, some native shrubs on top, together with 8no. small, native broadland trees (Maple or Rowan).*” It is considered that the landscape bund would help to screen the shipping containers and ensure that the development is not a prominent feature within the streetscene. It is also noted that the final details of the proposed species could be controlled under a planning condition and through the Biodiversity Net Gain Conditions and Section 106 Agreement.

In terms of screening the proposed development from the residential properties along the northern boundary of the site (predominantly nos. 6 – 10 Buckingham’s Way), a new landscaped hedgerow is proposed between the existing boundary fence line and the storage containers. Similarly, the final details of the proposed species could be controlled under a planning condition. The positioning of the storage containers have also been amended to be set back further from the shared boundary by approximately 1.5 metres. The scale of the development can be controlled through the imposition of a condition to avoid double stacking.

The colour of the storage containers would be green, to “... *complement the leafy character of Aston Lane*” (Paragraph 4.8 of the submitted Planning Statement). A condition could be imposed to ensure that the colour of the containers remains to be green, to protect and reflect the character and appearance of the local area.

It is considered that the revised layout has addressed the following concerns previously raised during the initial consultation in October 2024:

- The proposed containers being within close proximity to the residential properties to the north; and
- No landscaping being proposed between the containers and residential properties.

One of the concerns from residents related to the height of the proposed containers being taller than the existing boundary fencing. However, it is also noted that from the

comments, the height of the residents' fencing is restricted due to a covenant. This is a legal matter rather than a planning matter and therefore cannot be considered during the determination of this planning application.

The final concern related to the 'unattractive' design of the proposed 2.4m high metal palisade fencing. Following discussions with the agent, the proposed fencing along the northern boundary of the site was removed. In addition, a condition could be imposed to ensure that the proposed fencing to front Aston Lane is painted the same shade of green to match the containers, to improve the visual appearance.

Overall, it is considered that due to the revised changes and through the imposition of appropriate conditions, the proposed development would comply with Policies CS2, DM1 and FV6.

The impact of the development on the residential amenities of neighbours

There would be no issues in terms of overlooking / privacy due to the nature of storage containers, as well as the addition of landscaping along the northern boundary of the site.

In terms of lighting, a condition could be included requiring the submission and approval of a written scheme of the proposed lighting, to protect the residential amenities of neighbours and local ecology.

Your Environmental Services Officers considered that the proposed opening hours were acceptable and recommended that these be secured via a condition. The consultee also advised that a condition be imposed which ensures that the application site is used for storage purposes only, to limit possible adverse impacts associated with noise.

With regard to the demolition of the existing prefabricated offices and other site works, your Environmental Services Officers recommended that a 'Demolition Method Statement' be provided prior to determination or conditioned, with suitable methods of mitigation, to ensure that the amenity of neighbours is protected.

The siting of the proposed storage containers to the northern boundary of the site have been off-set from the boundary by 1.5 metres to address any loss of light concerns to nos. 6 – 10 Buckingham's Way. In relation to this, one of the objections received raised concerns regarding the management of planting between the proposed storage containers and the neighbours' rear gardens, requesting assurance that the height of the landscaping would match the container height, and never exceed this height. An appropriately worded condition could be included to secure and control the management of this landscaping.

Another concern was raised regarding the installation of security cameras. An appropriately worded condition could be included to ensure that prior to installation, details must first be submitted and approved by the District Planning Authority.

Overall, it is considered that due to the revised changes and through the imposition of appropriate conditions, the proposed development would comply with Policies DM1 and FV6.

The impact of the development on the surrounding highway network

The Local Highways Authority (LHA) was consulted as part of the determination of this planning application. The consultee commented 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, subject to the imposition of a condition.

The consultee commented that *“Given the established use of the site and the loss of office space, the LHA would not consider the increase in the number of containers to have a significant increase in traffic movements to the site nor would it result in an unacceptable impact on the highway network.*

“... The LHA have reviewed the drawing titled ‘Site Plan – Containers’ drawing no. 01F which indicates an access width of 5m and gates at a set back distance of 3.8m. This would not be in accordance with the LHDG which states that gates should be set back 5m to allow for vehicles to wait clear of the public highway. However, the Applicant states in the submitted Planning Statement that during opening hours of Monday – Friday 08:00 – 18:00 (out of hours by appointment only) and Saturday 08:00 – 14:00 (out of hours by appointment only), the electric security gates will be kept open to allow customers easy access to the containers. The LHA is satisfied that this will enable vehicles to leave the highway when entering the site and not have to wait on Aston Lane.”

Finally, in terms of Highway Safety, the consultee confirmed that it was satisfied that the development proposal would not exacerbate the likelihood of further personal injury collisions occurring.

The applicant has stated in the submitted Planning Statement that visits to the site will be infrequent, *“... some customers may need to visit more regularly but the majority will be for longer term storage needs with infrequent visits.”* There is sufficient space for vehicles to arrive on site and park within the site while unloading and offloading a vehicle on the hardstanding area. The LHA did not raise any concerns regarding the provision of parking on the site.

As such, it is considered that the development proposal would accord with Policy DM8.

Other Material Considerations

Flooding

The site is partially located within Flood Zones 2 and 3 (to the southern boundary) and a Flood Risk Assessment and Drainage Strategy (received 14.11.2024 and updated 22.01.2025) was provided by the applicant.

The Environment Agency (EA) commented that the proposed development would only meet the NPPF's requirements in relation to flood risk if the following recommended planning condition is included:

"The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref. 'Flood Risk Assessment and Surface Water Drainage Strategy for Planning, ref. 94622–120824–MDPC–AstonLn v1.1, dated November 2024, created by Unda Consulting Limited') and the submitted drawing ref. 'Container Elevations, dated Oct 2024, created by Hayward Architects' and the following mitigation measures they detail:

- Perimeter fencing for the site to be palisade fencing with spaces as detailed in the document 'Container Elevations, dated Oct 2024, created by Hayward Architects'*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development".

Reason *"To reduce the risk of flooding to the proposed development."*

Following the revised layout, the applicant provided an updated FRA. The Environment Agency confirmed that it did not have any new comments to make.

Following review of the FRA / Drainage Strategy, your Environmental Services Officers confirmed that it was happy with the proposals outlined and agreed with the comments made by the EA, requesting for a condition to adopt the mitigation measures recommended in the Report.

Your Environmental Services Officers also initially raised concerns that no information had been provided in terms of a SuDS scheme for surface water drainage. However, following the revised FRA / Drainage Strategy, the consultee confirmed that the surface water drainage arrangements had been clarified and wished to make no further comments.

As such, it is considered that the development proposal would accord with Policy CS22.

Land Contamination

A Phase I Environmental Assessment (received 14.11.2024) was submitted as part of the planning application, concluding a 'Negligible' to 'Medium' risk regarding potential contaminant linkages for human health.

Your Environmental Services Officers were consulted on this application in terms of land contamination. The consultee commented that the Report included recommendations for further assessment, including an asbestos survey and inspection of utility supply pipes. The consultee recommended that the measures listed in this section are fully adhered to by the applicant. The consultee recommended the inclusion of another condition in relation to land contamination, which has been included in this Committee Report.

Forestry

The planning application proposes the removal of a small row of 6no. individual trees (1no. ash *Fraxinus elcelsior*, 1no. cherry *Prunus* spp. and 4no. cypress *Cupressus* spp.). 8 new replacement trees are proposed on the landscaped bund.

Leicestershire County Council's Forestry Team were consulted on this application and initially requested the provision of a Tree Survey report. However, following a response from the applicant, the consultee confirmed that based on the scale of the development "... and the fact that the small number of poor quality trees internally are proposed to be removed and replaced with a bund and planting, I am willing to accept that a full BS5837 survey may not be necessary." The consultee did however request that the "... site plan indicate the position of protective fencing to establish a CEZ to any existing trees and to prevent machinery or construction traffic affecting other trees on / adjacent to the site. The current landscape proposal could be increased in scale to ensure sufficient screening to adjacent properties and the street scene. It would also be interesting to see how the proposed hedgerow to the rear of the storage containers would be accessed for regular maintenance?"

Following these comments, the applicant responded with the following in an email dated 25.11.2024:

*"With reference to the request for a tree survey – please note that the location of existing trees is identified on the existing site plan. A small row of 6 individual immature trees are proposed for removal. These trees are identified and referenced on page 5 of the BNG Tech Note. As stated in the report these are: 1no. ash *Fraxinus elcelsior*, 1no. cherry *Prunus* spp. and 4no. cypress *Cupressus* spp. These were all in poor condition as they were not mature, they did not have a continuous canopy, storage of adjacent containers appeared to affect the spread of each tree and compact the roots, and there were no cavities, deadwood or loose bark. As referenced on page 6 of the same report, whilst it was not possible to retain the 6 individual trees they were all in poor condition. Consequently, proportionate compensation and enhancement measures are included with the creation of the landscaped bund with 8 new replacement trees.*

"As for trees on the adjacent land, these are shown on the existing and proposed site plans. The development avoids the trees on the adjacent land. The containers are placed on the ground surface, there are no groundworks taking place within the RPAs of the trees."

The applicant's response was forwarded to LCC Forestry and the consultee confirmed that based on the scale of the development and that the small number of poor-quality trees are proposed to be removed and replaced with a bund and planting, it was willing to accept that a full tree survey may not be necessary. The consultee did however recommend that the site plan indicate the position of protective fencing to establish a Construction Exclusion Zone to any existing trees and to prevent machinery or construction traffic affecting other trees on / adjacent to the site.

Ecology

Leicestershire County Council's Ecology Team initially raised concerns regarding the demolition of the prefabricated offices, stating that a daytime bat survey and nesting bird survey would be required. The applicant subsequently provided a Preliminary Roost Assessment (bats and birds) and the consultee confirmed that the findings and recommendations provided were proportionate and following the proposed mitigation, the consultee was happy that no roosting bats or nesting birds should be impacted by the works. The recommendations include the following:

Bats

- An ecological watching brief during the removal of the fascia boards of the pre-fabricated office during demolition. In the unlikely event bats are found during the works, such work should cease, to seek further advice from the ecologist;
- Any proposed lighting is sensitively designed, minimised and does not illuminate likely foraging areas for bats; and
- Two tree-mounted bat boxes suitable for crevice-dwelling bats should be erected on a suitable retained tree within the ownership boundary, preferably close to the nearby pond, mature trees and brook corridor immediately south of the red line boundary.

Breeding Birds

- Sensitive timing of works or a pre-works check by a suitably qualified ecologist to ensure that potential impacts to nesting birds could be avoided during demolition;
- Compensation and enhancement for the loss of a nesting site could be achieved with the provision of suitable open-fronted nest boxes in an accessible part of the site; and
- A tree-mounted starling box should be erected on a suitable retained tree within the ownership boundary, preferably close to the nearby pond, mature trees and brook corridor immediately south of the red line boundary.

The consultee advised the inclusion of the following condition:

"The development hereby approved shall be implemented in strict accordance with the measures stated in section 4.5 (Mitigation Requirements), 4.6 (Compensation Requirements) and 4.7 (Opportunities for Enhancement) of the Preliminary Roost Assessment (Croft Ecology, December 2024, Report No. 240816.PRA v1), unless otherwise agreed in writing by the LPA." LCC Ecology also requested the inclusion of the mandatory BNG condition.

As such, it is considered that the development proposal would accord with Policies CS19 and FV4.

Biodiversity Net Gain

The application is subject to mandatory Biodiversity Net Gain (BNG) and will be subject to the BNG condition. The applicant submitted a Biodiversity Net Gain Statement, Biodiversity Metric Calculation Tool and Biodiversity Gain Plan with the application.

Leicestershire County Council's Ecology Team initially queried the BNG calculation. Following this consultation, the applicant updated the BNG Spreadsheet accordingly and provided justification in relation to the queries raised. As such, the consultee confirmed that it did not have any further comments regarding the BNG assessment as it was confident that mandatory BNG could be achieved on site and requires the mandatory BNG condition to be applied to the permission. The enhancements on site are also considered to be significant therefore the BNG needs to be legally secured.

As such, it is considered that the development proposal would accord with the relevant primary legislation for the statutory framework for biodiversity net gain under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.

Planning Balance and Conclusions

The development proposals to demolish the existing pre-fabricated offices at The Works, Aston Lane in Sharnford for the siting of 29no. self-storage containers with the erection of new boundary fencing and a landscape bund are not considered to result in any harm to the character and appearance of the local area.

In addition, it is considered that it would not be harmful to neighbouring residential amenity, due to the revised changes to the layout and through the imposition of appropriate planning conditions.

The proposed development is also not considered to result in any harm to the surrounding highway network and the principle of the development is considered to be established.

The development would achieve a 10% biodiversity net gain on site, which will be controlled by planning condition and the applicant entering into a legal agreement.

The proposals are therefore considered to be compliant with Policies CS1, CS2, CS19, CS22, CS24, DM1, DM8, FV4 and FV6 of the Development Plan and this matter weighs in favour of the development. There are no other material considerations that would indicate that the plan policies should not be followed. Approval is therefore recommended, subject to conditions as set out at the beginning of this report.

25/0016/VAR

**Registered Date
7 January 2025**

Blaby District Council

Variation of condition 2 (approved plans) and removal of conditions 3 and 4 (relating to surface water drainage details) of permission 24/0746/FUL (Alterations to existing entrance to Bouskell Park car park to provide widened vehicular access and new footpath) to allow revised drainage scheme and regrading of access

Bouskell Park, Welford Road, Blaby

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

RECOMMENDATION:

THAT APPLICATION 25/0016/VAR BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:

1. Approved plans
2. Highway surfacing in bound material
3. Gates hung so as to open inwards
4. Pedestrian and vehicular gates and any sections of replacement railings to be retained in accordance with the design details agreed by 24/1028/DOC.

NOTES TO COMMITTEE

Policy and Relevant Legislation

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

Policy CS2 – Design of New Development
Policy CS14 – Green Infrastructure
Policy CS18 – Countryside
Policy CS19 – Biodiversity and Geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS24 – Presumption in Favour of Sustainable Development

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

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

Blaby Neighbourhood Plan (2018)

Policy BNP1 – Character and Environment (Character area D)
Policy BNP3 – Countryside
Policy BNP8 – Design of New Development

National Planning Policy Framework (2024)

National Planning Practice Guidance

Other relevant documents

Blaby District Plan 2024 – 2028

Blaby District Council Car Parking Strategy 2022 – 2027

Planning (Listed Buildings and Conservation Areas) Act 1990

Consultation Summary

Blaby District Council, Environmental Services – No objections. I note from the submitted application form the reasoning for removing the proposed slot drain and associated pipework from the scheme. I am satisfied with this. The submitted drawings also indicate removal of these features.

Blaby Parish Council – Comments awaited.

Leicestershire County Council, Highways – No objections.

Third Party Representations

None received.

Relevant Planning History

24/0746/FUL – Alterations to existing entrance to Bouskell Park car park to provide widened vehicular access and new footpath – approved 01.11.2024

24/1028/DOC – Discharge of condition 7 (details of gates) and condition 8 (Arboricultural Impact Assessment and Method Statement) imposed on permission 24/0746/FUL (Alterations to entrance to provide widened vehicular access and new footpath) – Approved 28.01.2025

EXPLANATORY NOTE

Background

Planning permission was granted, subject to conditions, by the Council on 1 November 2024 for alterations to the vehicular and pedestrian access into Bouskell Park, Blaby. The works have been partially implemented, notably the widening of the access and new footways and gates. However, the approved scheme included a linear slot drain between the Council owned land and the adopted highway which it is not now proposed to install.

The submitted application explains that the location for the slot drain,

“is in close proximity to or over services which would need to be diverted. Works to divert the services would have made the scheme financially unviable and conflicted with the need to protect the roots of the established trees. The benefit of the slot drain would in any case have been very small as only a small portion of tarmac would drain into it. Also, the slot drain would not have resolved the ponding at the entrance which is an ongoing safety issue, since most of the water comes from the highway side.”

Discussion has taken place between the Council and the Highway Authority, who has agreed that access can be regraded and that surface water from the small area of Council owned tarmac can discharge into the highway as before. The revised proposals should also help resolve the existing ponding at the entrance.

As this application has been made under section 73 of the Town and Country Planning Act 1990 and seeks only to vary the conditions to which permission 24/0746/FUL was granted, the principle of the development is not at issue. This report therefore focuses solely on the matters relating to the altered conditions. It should be noted that a section 73 application cannot be used to extend the time period for implementation of any planning permission.

The Site

The application site comprises the access bellmouth, between the Welford Road carriageway edge and park gates, and associated sections of footway and verge serving Bouskell Park, Blaby.

Bouskell Park car park and the park itself are located to the east of the application site. Directly opposite the site on Welford Road are residential properties.

The site is located within the designated Blaby Conservation Area and countryside, although it lies immediately adjacent to the Blaby settlement boundary as shown on the adopted Proposals Map (2019).

The Proposals

The application proposes to vary condition 2 (which lists the approved plans of permission 24/0746/FUL) to allow for new plans to be substituted showing the access works without the linear drain. The revised plans show regrading of the access bell mouth to allow surface water to drain into the highway, where it will discharge to a highway drain.

It is also proposed to remove conditions 3 and 4 from the permission. These conditions are set out below:

3. *Prior to the first use of the altered access, means of surface water drainage shall be installed in accordance with the details shown on plan reference 8022–08 Rev P1 – Plan on proposed entrance, footpath extension and linear drain outfall (SMP Consulting Engineers) and maintained thereafter.*

4. *Before the development hereby permitted is brought into use, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.*

Should the revised proposals be acceptable, these conditions will no longer be relevant to the development.

Planning Considerations

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

National Planning Policy Framework

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

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

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

The NPPF sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, with the golden thread running through the decision-making process being the presumption in favour of sustainable development.

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 following policies are the most relevant to the proposed development:

Policy CS2 – Design of New Development

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

Policy CS14 – Green Infrastructure

It is stated in policy CS14 that Blaby District Council will seek to protect existing and provide new networks of multi-functional green spaces. It is noted that green infrastructure can include green areas that are valuable for their biodiversity, for cultural importance and areas that contribute to the health and quality of life of communities.

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.

Policy CS19 Biodiversity and Geo-diversity

Policy CS19 seeks to protect and improve areas of biodiversity and wildlife habitat. The development site has been assessed for its habitat and species quality and it is not considered that the proposal will significantly impact on the biodiversity and geo-diversity.

Policy CS20 Historic Environment and Culture

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

Policy CS24 Presumption in favour of sustainable development

Policy CS24 reflects the overarching principle of the NPPF that plans and decision making should apply a presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals the District Council will take a positive approach and will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

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

Policy DM2 – Development in the Countryside

Policy DM2 supports the strategic policy approach set out in Core Strategy Policy CS18 and provides more detailed guidance on appropriate development in the countryside. The policy provides general criteria against which development proposals should be assessed. These require that the development is in keeping with the appearance and character of the existing landscape, development form and buildings, noting that the impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment (criterion (a)). Development should also provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers (criterion (b)).

Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 requires that all development provides an appropriate level of parking and servicing provision and complies with highway design standards as set out in the most up to date Leicestershire Local Highway Design Guidance (LHDG).

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.

Blaby Neighbourhood Plan

Policy BNP1– Character and Environment

Policy BNP1 seeks to ensure that all new development creates a sense of place appropriate to its location by reflecting the principal characteristics of adjacent area(s) in regard to scale, layout and materials. The site lies within the Conservation Area (identified as Character Area D in the Neighbourhood Plan).

Policy BNP3 – Countryside

Policy BNP3 states that the area designated as Countryside would not be suitable for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape.

Policy BNP8 – Design of new development

Policy BNP8 requires that new development within Blaby incorporates design features which enhance and complement Blaby's important housing, commercial and historic character. Within the Conservation Area the policy seeks to deliver good design through appropriate use of materials, scale and massing, ensuring consistent landscape features and detailing that is reflective of the care and attention in traditional buildings in the Conservation Area.

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 previous approval for the Bouskell Park entrance works is also material to the consideration of the application. Bearing this, and the limited scope of the proposed alterations in mind, the key issue is considered to be whether the amended drainage proposals and regrading works are acceptable in respect of their impact upon the highway.

Impact on the highway

Policy DM8 requires 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.

It was demonstrated through the previous application that the access geometry and positioning of the gates were acceptable having regard to highway safety. Whilst it is not normally acceptable for surface water run-off to drain onto the highway, as set out in the Leicestershire Highway Design Guide, the Local Highway Authority has not raised an objection to the proposal in this case. The area that will drain into the highway is limited in extent and is unlikely to have a significant impact on run off into the highway (the car park area has its own separate drainage arrangements).

Furthermore, the improvements that will be made to the entrance to the park through the regrading works will address an existing ponding issue at the access which was flagged as a highway safety issue in the Stage 1 and 2 Safety Audit submitted in support of application 24/0746/FUL.

The works required within the highway will need to be subject to a section 278 agreement, which will be dealt with separately by Leicestershire County Council as the Local Highway Authority.

The revised proposals are not considered to result in any harmful impacts upon highway safety or the road network and are therefore considered compliant with policy DM8.

Other material considerations

No objections have been made to the revised proposals by the Council's Environmental Services officer in respect of their impact upon surface water drainage generally.

The current proposals will not result in any material differences from the permitted scheme in terms of visual impact, thus there will be no change in the effects (previously deemed to be neutral) upon the character and appearance of the Conservation Area, the street scene or surrounding countryside. The proposal therefore remains compliant with development plan policies CS18, CS20, DM2, DM12, BNP3 and BNP8, the requirements of NPPF section 16 (Conservation and enhancing the historic environment) and the statutory duties imposed by section 72 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The altered development proposals do not have any implications in terms of biodiversity net gain, which is not a requirement of the development given its limited scale. The revisions also have no additional impacts on the protected trees adjoining the application site.

In light of the current public park use and existing vehicular and pedestrian access, the minor changes now proposed to the access are not considered to result in additional impacts upon residential amenities.

The fencing and gate details required by condition 7 and the arboricultural impact assessment and method statement required by condition 8 of 24/0746/FUL have been submitted and approved under discharge of application reference 24/01028/DOC. These works have already been undertaken in accordance with the approval. Condition 7 will therefore require updating to reference the permitted details (and is renumbered to be condition 4 given the omission of other conditions). Condition 8 has been discharged and has no continuing effect now that the works have been completed. It is therefore recommended that this condition also be removed as part of this application.

Planning Balance and Conclusions

The revised development proposals to widen the existing access into Bouskell Park without installation of the previously approved drain are not considered to result any harm to highway safety, the designated Conservation Area, the character and appearance of the countryside or trees on the site. The proposals are therefore considered to be compliant with the relevant policies of the Development Plan which weighs in favour of the development. There are no other material considerations that would indicate that the plan policies should not be followed. Approval is therefore recommended, subject to conditions as set out at the beginning of this report.
