

**Blaby District Council  
Planning Committee**

**Date of Meeting**      **10 April 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 **01 April 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
	24/1042/VAR	11	43 New Street, Blaby	APPROVE
	24/1091/RM	32	Parcel R9(2), Tweed Street Lubbethorpe	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://pa.blaby.gov.uk/online-applications/>

**3.4 Resource Implications**

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

**4. Other options considered**

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

**5. Background paper(s)**

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

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

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Strategic Growth Manager  
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**24/1042/VAR**

**Registered Date  
11<sup>th</sup> December 2024**

**Blaby Developments Limited**

**Variation of condition 1 and removal of condition 2 attached to  
planning permission 24/0879/VAR**

**43 New Street, Blaby**

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

**RECOMMENDATION: THAT APPLICATION 24/1042/VAR BE APPROVED  
SUBJECT TO THE IMPOSITION OF CONDITIONS RELATING TO THE  
FOLLOWING:**

1. Development to be in accordance with approved plans
2. Development to be implemented in accordance with approved external materials
3. Development to be implemented in accordance with approved boundary treatments
4. Development to be implemented in accordance with the Waste Collection Strategy
5. Development to be implemented in accordance with approved soft landscaping scheme
6. Soft landscaping scheme to be implemented in strict accordance with the details as specified on the approved plans and retained for 5 years
7. Development to be implemented in accordance with the approved Landscaping Environment Management Plan (LEMP) (LEMP) and Enhancements Strategy,
8. Development to be implemented in accordance with the approved Arboricultural Method Statement, and Tree Protection Plan
9. Development to be implemented in accordance with the approved Finished Floor Levels
10. Development to be implemented in accordance with the approved Construction Method Plan
11. Development to be implemented in accordance with the approved Phase II ground investigation and Risk assessment
12. Reporting of unexpected contamination
13. Development to be implemented in accordance with the approved Existing Noise Climate and Noise Impact Assessment
14. Development to be implemented in accordance with the approved surface water drainage scheme
15. Development to be implemented in accordance with the approved long-term maintenance and management regime of the surface water drainage system
16. Drainage shall be provided within the site such that surface water does not drain into the public highway
17. Development to be implemented in accordance with the approved site access road, including visibility splays and internal road network details

18. Development to be implemented accordance with the approved parking and turning details
19. Car parking and garage spaces to be retained with the removal of permitted development rights for their conversion on specified plots
20. No vehicular access gates, barriers, bollards, chains
21. All windows serving bathrooms, en-suites and w.c's to be obscurely glazed
22. Removal of permitted development rights for extensions, alterations or additions, or the provision of any additional buildings on specified plots
23. Development to be implemented accordance with the approved programme of archaeological work
24. External materials for the alterations to 45 New Street shall match those used in the existing building.

## **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 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 CS19	Biodiversity and geo-diversity
Policy CS21	Climate Change
Policy CS22	Flood Risk Management
Policy CS23	Waste
Policy CS24	Presumption in favour of sustainable development

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

Policy DM1	Development within the Settlement Boundaries
Policy DM8	Local Parking and Highway Design Standards
Policy DM13	Land Contamination and Pollution

#### **Blaby Neighbourhood Plan (2018)**

Policy BNP1	Character and Environment
Policy BNP8	Design of New Development
Policy BNP9	Settlement Boundary

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

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

## **Other Supporting Documents**

Leicestershire Highways Design Guide

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 District Council Open Space Audit (December 2019)

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 comments received

**Blaby District Council, Housing Options** – No comments received

**Blaby District Council, Neighbourhood Services** – Referred to Waste Collection Guidance

**Blaby Parish Council** – No comments

**East Midlands Ambulance Service** – No comments received

**Leicestershire County Council, Archaeology** – No comments.

**Leicestershire County Council, Developer Contributions** – No objections.  
Previous agreement requested developer contributions as follows:

- **Waste** – £262.57 towards Whetstone HWRC
- **Libraries** – £333.04 towards Blaby Library
- **Monitoring fees**

**Leicestershire County Council, Ecology** – No comments.

**Leicestershire County Council, Forestry** – No comments.

**Leicestershire County Council, Highways (LHA)** – No objection to variation of Condition 1, no comments to make regarding removal of Condition 2.

**Leicestershire County Council, Lead Local Flood Authority (LLFA)** – No objection.

**Leicestershire County Council, Minerals and Watse** – No objections

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

**Leicestershire Police** – No comments received.

**Severn Trent Water Authority** – No comments received

### **Third Party Representations**

No letters of representation were received.

### **Relevant Planning History**

00/0068/1/PY	Formation of additional Bowling Green	Approved 10.04.2000
20/1322/FUL	Demolition of existing dwelling and erection of 7 dwellings with associated access, garaging, parking and landscaping	Refused 14.05.2021 Appeal Dismissed 26.10.2021
21/1230/FUL	Erection of eight dwellings with associated parking and landscaping. Vehicular access from access to be formed as part of adjacent development following demolition of 43 New Street.	Withdrawn During Consideration
22/0464/FUL	Erection of 12 dwellings with associated vehicular access, parking and landscaping and drainage, including the demolition of No. 43 New Street, Blaby.	Refused 25.11.2022 Appeal Allowed 26.10.2023
24/0411/NMAT	Non-Material Amendment to planning application 22/0464/FUL in relation to external materials, fenestration and size of house types.	Approved 17.06.2024
24/0879/VAR	Variation of Condition 20 (in relation to the phasing of the construction of the access road) of planning permission 22/0464/FUL approved under appeal decision APP/T2405/W/23/3318532.	Approved 26.11.2024

### **EXPLANATORY NOTE**

The application has been brought before members as it falls outside of the Planning Committee scheme of delegation as it relates to the provision of 12 dwelling houses.

## **The Site**

The application site is located within an established residential area within Blaby's Settlement Boundary as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

The site was a roughly rectangular and level vacant area of land measuring some 8000 sq. m in area, with 12 dwellings currently under construction as approved under appeal decision APP/T2405/W/23/3318532 (22/0464/FUL relates), varied by application 24/0879/VAR. The site is set to the rear of No. 43 New Street, which was one of a pair of semi-detached dwellings that has subsequently been demolished. The site is bounded by traditional two storey residential development along the western and southern edges off New Street and Lime Grove respectively. The Harvey Close development which comprises of 5 detached bungalows and the Blaby Social Club's bowling green and tennis courts form the northern boundary to the site. The Westfield House Hotel car park, the Abstract AVR Ltd industrial unit and Westfields bound the southern edge of the site.

The site is predominantly situated within Flood Zone 1 which has been shown to be at less than 0.1% chance of flooding in any year, with the western edge and proposed access located within Flood Zone 2, which has between 0.1% - 1% chance of flooding in a year.

## **Site History**

An application for the demolition of No. 43 New Street and the construction of 7 dwellings was refused on 14.05.2021 (21/1322/FUL refers). The application was refused on two separate grounds. The first reason for refusal determined that the increased vehicular activity and movements in association with the use of the proposed access would be detrimental to the amenities of the neighbouring residents at Nos. 41 and 45 New Street.

The second reason for refusal determined that the application site could not be adequately serviced for household waste purposes and could not provide adequate presentation facilities for waste collection at the boundary with the adoptable highway at the site entrance with New Street and as such the scheme had not been designed appropriately to meet the functional long-term needs of the residents and thus constituted poor design.

The applicant appealed against the Council's decision (Appeal reference APP/T2405/W/21/3278060 refers). The Planning Inspector found against the first reason for refusal, stating that the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers having regard to potential noise and disturbance. The Planning Inspector did however identify that waste collection provision had not been satisfactorily demonstrated and attached significant weight to the harm that this would cause as a result. The appeal was subsequently dismissed.

Application 22/0464/FUL was subsequently submitted initially for the construction of 15 dwellings, which was reduced to 12. The application was again refused on the basis that the site could not be adequately serviced for household waste purposes and could not provide adequate presentation facilities for waste collection at the boundary with the adoptable highway. On appeal a unilateral agreement was submitted which made provision for the collection of waste by a private waste collection service. On review of the agreement the Inspector found that suitable arrangements for the collection of waste were provided and as such allowed the appeal (Appeal reference APP/T2405/W/23/3318532 refers).

Application 24/0879/VAR was submitted in October 2024 which sought to vary condition 20 of application 22/0464/FUL under appeal reference APP/T2405/W/23/3318532 to allow for the suitable rephrasing of the access road.

### **The Proposal**

This application seeks to vary condition 1 of planning permission 24/0879/VAR which relates to the previously approved plans. The amendments include changes to internal arrangement and external architectural details of five of the approved house types. This equates to alteration to plots 1, 3, 5, 7, 10, 11 and 12.

- Plot 1 involves external alterations to remove the rear gable, provide a flat roof above the rear bay window and the removal of posts to the covered porch area.
- Plots, 3, 5, and 7 involves external alterations to reposition a dormer within the front elevation, the addition of a rooflight added over the stairs, the inclusion of a Juliet balcony to the rear and the removal of posts to the covered porch area. At first floor the internal layout is proposed to be revised to incorporate both bedrooms, a bathroom and an office, with the ground floor bedroom replaced with sitting room.
- Plot 10 involves external alterations to remove the chimney and the removal of a bay window to side elevation to be replaced with a window. Additional windows are proposed to be added to sitting room and bedroom where chimney is to be removed. The 'tax window' is to be increased in size to side elevation, with a date stone added to side elevation. Brick bandings are also proposed to be added to side elevation, and stone headers are proposed to be removed. Internally the attic floor is proposed to be removed, with a first floor added over the garage to allow for revised first floor layout to provide more functional spaces.
- Plot 11 involves external alterations to remove the chimney and remove blue sill bricks. Internally the alterations seek to remove the attic floor, with the first-floor layout revised to incorporate all four bedrooms.
- Plot 12 involves external alterations to remove the chimney and remove blue sill bricks. Internally the alterations seek to revise the first-floor layout to incorporate all four bedrooms with a first floor added over the utility to provide an ensuite to the main bedroom.

The application also seeks to remove condition 2 of planning permission 24/0879/VAR. Condition 2 relates to the demolition of No. 43 New Street and the reinstatement of the facing elevation wall of No. 45 New Street.

The works required to demolish No. 43 New Street and reinstate the facing elevation



wall of No. 45 New Street have now been undertaken and as such the condition is no longer necessary and is to be removed.

The alterations do not amend the layout of the proposal or the footprint of the dwellings. Access arrangements and parking provision is not impacted. The housing mix remains as previously permitted. External materials remain broadly as previously permitted apart from the alterations details above. No alterations are sought or required to the drainage proposals or level of public open space provided.

## **Planning Policy**

### **Planning and Compulsory Purchase Act 2004**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

### **Town and Country Planning Act 1990 Act**

Section 73 of the Town and Country Planning Act 1990 Act provides for applications for minor material amendments to planning permissions without complying with previously imposed planning conditions subject to which a previous planning permission was granted.

### **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, and states that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise.

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. 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.

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.

As a consequence of the shortfall in the delivery of housing, 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 the Framework establishes that housing policies which are important for determining the application may be out-of-date.

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.

## **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. The application site however is located within the Settlement Boundary of Blaby and benefits from an extant planning permission and as such it is considered that the principle of residential development in this location is acceptable in principle.

### **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. The application site is located within Blaby, which is identified in the Council's Core Strategy as being outside the PUA.

Provision is however made for the development needs of settlements outside the PUA, with Policy CS1 stating that outside the PUA new development should be focused within and adjoining Blaby, and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages'. Given the proposed development is located within the settlement boundary of Blaby and is well served by transport links and with good access to key services and facilities, the application site is considered to be located in a sustainable location and is compliant with Policy CS1.

### 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 District Council seeks to distribute housing by settlement in accordance with the figures contained within the Core Strategy. In order to meet the minimum requirements for the number of housing within the District as set out in the Core Strategy over the plan period (2006-2029) an outstanding need for at least 420 dwellings has been identified in Blaby.

### Policy CS8 – Mix of housing

Policy CS8 seeks to ensure that new housing developments provide the appropriate quantity and mix of housing for the District's current and future needs. Policy CS8 states that residential proposals for developments of 10 or more dwellings should provide an appropriate mix of housing types, tenures and sizes to meet those needs.

### Policy CS10 – Transport Infrastructure

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.

### 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 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. Green Infrastructure can include formal open spaces for sport and recreation.

#### Policy CS15 – Open Space, Sport and Recreation

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. These Policies state 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.

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

Policy CS19 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 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 encourage a hierarchy of waste management in the following priority order; waste prevention, re-use, recycle/compost, recovery, and disposal as a last resort.

#### 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 DM1 – Development within the Settlement Boundaries

Policy DM1 sets the principle for built development within the Settlement Boundary provided it is consistent with the other policies of the Local and Neighbourhood Plans, and has 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, consideration of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity. Policy DM1 further requires development to have a satisfactory layout, design and appearance.

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

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

#### 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.

### **Blaby Neighbourhood Plan (2018)**

#### Policy BNP1 – Character and Environment

Policy BNP1 seeks to ensure that all new development shall create a sense of place appropriate to its location by reflecting the principal characteristics of adjacent areas in regard to scale, layout and materials.

#### Policy BNP8 – Design of New Development

Policy BNP8 states that new development within Blaby should incorporate appropriate design features which enhance and compliment Blaby's housing, commercial and historic character.

#### Policy BNP9 – Settlement Boundary

Policy BNP9 states that new development will be focused within Blaby's identified settlement boundary and will be supported in such locations subject to the proposed development having a satisfactory relationship with other uses.

#### **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 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 31<sup>st</sup> March 2024.

### **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
- Materiality
- Housing Mix
- Design and Layout
- Residential Amenities
- Transport and Highway Implications
- Waste Collection
- Planning Obligations and Developer Contributions
- Flood Risk and Drainage
- Open Space, Sport and Recreation
- Environmental Implications
- Ecology, Biodiversity and Arboricultural implications

### **The Principle of the Development**

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, in particular within Blaby and the Larger Central Villages.

Policy BNP9 states that new development will be focused within Blaby's identified settlement boundary and will be supported in such locations subject to the proposed development having a satisfactory relationship with other uses.

Housing delivery in the non-PUA has exceeded the minimum housing requirement set out in the Plan. The Council's recently published Residential Land Availability (RLA) report indicates that as of the 31<sup>st</sup> March 2024 3,942 homes had been delivered in the non-PUA. The plan indicates a minimum requirement in the non-PUA of 2,990 dwellings. The RLA indicates that around 300 further homes may be completed in the non-PUA before 2029.

Policies CS1 and CS5 identify Blaby as a Town with a minimum housing requirement of 420 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement. As of 31 March 2024, resulting in the minimum requirement having been exceeded by 153 dwellings when taking into account completions and commitments.

However, the application site is located within of the Settlement Boundary of Blaby as designated on the Blaby District Local Plan Policies Map (2019) which has a good range of services and facilities and is connected to the highway network and the presumption in favour of sustainable development therefore applies. The site benefits from extant planning permission for 12 dwellings and is currently being developed. It is therefore considered that the principle of development on the site has been established and accords with Policy CS1, CS5 and BNP9.

## **Materiality**

As an application submitted under Section 73 of the Town and Country Planning Act, the application proposes 'minor material' amendments to the previous permission. National Planning Guidance states that there is no statutory definition of 'minor material'. This is because it will be dependent on the context of the overall scheme – an amendment that is minor material in one context may be material in another.

Having regard to the proposal, it does not seek to increase the footprint of the dwellings or alter the layout and proposes negligible changes in the application of materials and fenestration. As such, it is considered that the changes are minor and therefore can be dealt with via Section 73 of the Town and Country Planning Act 1990.

## **Housing Mix**

Policies 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.

The Blaby Housing Mix and Affordable Housing Supplementary Planning Document provides guidance regarding the interpretation of Policy 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 12 Market dwellings comprising of 4 x 2 bed dwellings, 4 x 3 bed dwellings and 4 x 4 bed dwellings.

Blaby District Council Housing Officers were consulted on the original scheme and were satisfied that the proposed mix meets the housing needs of the District. The application under consideration does not seek to amend the housing mix. Accordingly, the application is consistent with Policy CS8.

### **Design and Layout**

Policies CS2, DM1, BNP1 and BNP8 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.

The application site was a vacant area of scrubland situated at the rear of No. 43 New Street, with 12 dwellings currently under construction. The site is bordered at the front by residential developments along New Street, Lime Grove, and Harvey Close. To the rear, the site is surrounded by a variety of uses, including the bowling green and tennis courts of the Blaby Social Club, the car park of the Westfield House Hotel, the Abstract AVR Ltd industrial unit, and Westfields, a vacant detached residential dwelling.

The proposed development provides a landscape led development set along an open green central internal avenue with detached dwellings set off the street providing a strong frontage and active street scene to the public realm, with soft landscaping proposed throughout the site to frame and soften the scheme and to compliment the green and open aesthetic.

Dual aspect buildings are proposed at key vantage points within the site, with key views through the site retained and framed by built form. The layout provides dwellings that front the central avenue, which enables dwellings with generous rear garden areas, whilst protecting the amenities of existing and new residents.

The application continues to provide a mixture of single, two storey detached and semi-detached dwellings 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 layout of the proposal was assessed and considered to be acceptable as part of planning application 22/0464/FUL, and no changes to the layout are proposed.

The dwellings continue to utilise traditional materials and architectural features with minor alterations which include the removal of minor external features, adding a first floor over garages on specific plots, and modifying the internal layout of rooms, that are not considered to materially affect the overall design quality of the development.

Parking continues to be for within the curtilages of the proposed dwellings in line with the required standards, with no amendments to the quantum provided.

Consequently, it is therefore considered that the development continues to reflect the traditional character and appearance of the area and would create a place of high architectural and urban design quality. As such it is considered that the proposed development continues to comply Policies CS2, DM2, BNP1 and BNP8.

## **Residential Amenities**

Policies DM1 and BNP9 set the principle for built development within the Settlement Boundary provided it is consistent with the other policies of the Local and Neighbourhood Plans, and has 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, consideration of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

The proposed development is arranged in a linear fashion with dwellings fronting an internal private drive with enclosed rear garden areas. The development provides adequate separation distances and suitable orientations between the proposed dwellings within the site and with neighbouring dwellings adjoining and backing onto the site.

The amendments proposed relate to minor alterations with the addition of several windows. Having regard to the positioning and orientation of the windows it is considered these would not unduly harm the residential amenities in terms of privacy and overlooking of adjoining dwellings. The inclusion of additional floors above garages are considered to be positioned sensitively and would not result in an overbearing impact upon neighbouring dwellings.

The amendments would not result in an increase in activity from the site and as such it is considered there would not be an increase in the level of noise and disturbance arising from the development as a result of the proposed changes.

Consequently, it is considered that the development would have a satisfactory relationship with existing and proposed dwellings and is therefore compliant with Policies DM1 and BNP9.

## **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.

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

The application site is accessed off an unadopted private drive leading from New Street. The site located within and close to Blaby Town centre and its associated services and facilities. A footpath is leading to Leicester Road is proposed to be retained only for use by the future residents of the development and not the wider public.

The highway impacts of the proposal were assessed and considered acceptable under planning permission 22/0464/FUL. No amendments are sought to the access provision of the internal road layout.

Parking continues to be provided within the curtilages of the proposed dwellings in line with the required standards, with no amendments to their location or the quantum provided.

Consequently, the development is considered to be compliant with Policy CS10 and DM8.

### **Waste Collection**

Application 22/0464/FUL was initially submitted for the construction of 15 dwellings, which was reduced to 12. The application was refused on the basis that the site could not be adequately serviced for household waste purposes and could not provide adequate presentation facilities for waste collection at the boundary with the adoptable highway. On appeal a unilateral agreement was submitted which made provision for the collection of waste by a private waste collection service. On review of the agreement the Inspector found that suitable arrangements for the collection of waste were provided and as such allowed the appeal (Appeal reference APP/T2405/W/23/3318532 refers).

Given the unilateral agreement made provision for the collection of waste by a private waste collection service and having regard to the Inspector's decision, it is considered that suitable provision for the collection of waste has been provided and been legally secured for the site. The unilateral agreement includes a clause which means it also applies to any future amendment application.

### **Planning Obligations and Developer Contributions**

Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with the Council's latest Planning Obligations and Developer Contributions SPD.

The unilateral agreement made provision for funding towards library, waste, and healthcare facilities, as well as contributions toward off site open space provision and enhancements.

The legal agreement provided contributions as follows:

- Waste – £262.57 towards Whetstone HWRC
- Libraries – £333.04 towards Blaby Library
- Healthcare – £5,837.12 towards Northfield and Hazlemere Medical Centres

- Off Site Open Space - £44,814.12 for the improvement and enhancement of facilities within the Parish of Blaby

The legal agreement makes provision for variations to the proposal through Section 73 applications such as this, with the agreement continuing to be in force.

### **Flood Risk And Drainage**

Policy CS22 seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations at the lowest risk of flooding within the District, using sustainable drainage systems (SuDS) where practical and managing surface water run-off.

The development site is predominantly within a Flood Zone 1, with the north-eastern section located within Flood Zone 2. The application was accompanied by a Flood Risk Assessment which Leicestershire County Council as Lead Local Flood Authority confirmed that they were satisfied that the development can be suitably drained. No alterations have been made to the drainage proposal and as such the proposal continues to comply with Policy CS22.

It is noted that an updated Flood Map for Planning was published on 25<sup>th</sup> March 2025 which included some changes to the fluvial flood mapping (although the site continues to fall in Flood Zones 1 and 2). However, given there is an extant permission which is already being built out and the changes proposed in this application are design changes to individual properties, it would be unreasonable to reconsider the acceptability of the scheme from a flood risk perspective.

### **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. Green Infrastructure can include formal open spaces for sport and recreation and 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. These Policies state 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 proposal provides a quantum of onsite open space and with contributions provided towards the provision and enhance of facilities within the Parish of Blaby, secured through the unilateral agreement.

Accordingly, it is considered that the development accords with policies CS14 and CS15.

### **Environmental Implications**

Blaby District Council's Environmental Services department raised no objections on the previous application (22/0464/FUL) and the application under consideration with respect to drainage, land contamination and impact of construction phase. Accordingly, it is considered that the development accords with Policy DM13.

### **Ecology, Biodiversity and Arboricultural implications**

Policy CS19 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.

The proposal provides for the installation of bat boxes/bricks in a suitable position on buildings across the site. With the management of the open space and ecological enhancements secured via conditions. Leicestershire County Council Ecology have not raised any objections on ecological grounds.

The proposal was submitted and has commenced prior to the introduction of Mandatory Biodiversity Net Gain (BNG) and BNG is exempt on any application under Section 73.

Leicestershire County Council Forestry have not raised any objections on arboricultural grounds.

Accordingly, 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. 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 application site is located within the Settlement Boundary of Blaby, within a sustainable location and benefits from an extent planning permission and therefore the development is considered acceptable in principle.

The proposal seeks minor amendments to the external elevations of a number of dwellings and the internal arrangement of rooms. The proposals continue to respect the local vernacular and protect the living conditions and residential amenities of existing and future residents.

No technical objections have been raised by statutory consultees, with the provision of waste collection and improvements to local services and facilities and open space continues to be secured via a unilateral S.106 legal agreement.

In conclusion, it is considered that the proposed amendments are minor in nature and

that the proposal is compliant with the provisions of the Local Plan.

The application is therefore, recommended for approval subject to appropriate conditions as set out in the report above.

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<b>24/1091/RM</b>	<b>Registered Date</b> <b>23<sup>rd</sup> December 2024</b>	<b>David Wilson Homes East Midlands</b>
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**Reserved Matters application for the erection of 57 dwellings  
(details of appearance, landscaping, layout and scale)**

**Parcel R9(2), Tweed Street Lubbesthorpe**

**Report Author: Jill Sampson, Major Schemes Officer**  
**Contact Details: Council Offices. Tel: 0116 2727686**

#### **RECOMMENDATION:**

**THAT APPLICATION 24/1091/RM BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO PROVIDE A COMMUTED SUM TOWARDS AN AFFORDABLE HOUSING SHORTFALL**

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

1. Development carried out in accordance with approved plans and documents.
2. Materials to be provided as per the approved plan unless otherwise agreed.
3. Hard and soft landscaping to be carried out in accordance with the approved plans and management scheme.
4. Landscaping carried out within 1 year and replaced within a period of 5 years.
5. Plot frontage boundary planting to be retained in perpetuity.
6. No residential unit shall be occupied until the parking and any turning facilities associated with that unit have been implemented and thereafter retained.
7. Private drives to be provided prior to associated occupation of dwellings and hard surfaced for at least five metres behind the highway boundary.
8. No gates, barriers, etc. within a distance of five metres from highway boundary and any gates to open away from the highway.
9. 1 metre by 1 metre pedestrian visibility splays on both sides of all private accesses.
10. Removal of pd rights for garage conversions at certain plots (where a garage is provided to meet minimum parking spaces for that plot)
11. Removal of PD rights for extensions and buildings within curtilage for certain plots (where levels changes may lead to over-bearing issues)
12. Removal of PD rights for porches to certain plots (where dwellings front onto external streets).
13. Removal of PD rights for any further means of frontage enclosures for all plots.



14. Details of any proposed root barrier/deflection treatment for landscaping in the highway/private land adjacent to footway to be submitted to and agreed.

## **NOTES TO COMMITTEE**

### **Relevant Planning Policy**

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

**National Planning Practice Guidance (NPPG)**

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

CS2 – Design of New Development  
CS3 – Sustainable Urban Extension  
CS7 – Affordable Housing  
CS8 – Mix of Housing  
CS10 – Transport Infrastructure  
CS11 – Infrastructure, Services & Facilities to Support Growth  
CS14 – Green Infrastructure  
CS15 – Open Space, Sport & Recreation  
CS19 – Bio & Geo diversity  
CS20 – Historic Environment & Culture  
CS21 – Climate Change  
CS22 – Flood Risk Management  
CS24 – Presumption in Favour of Sustainable Development

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

The Delivery DPD (2019) sits alongside the Core Strategy to form part of the Development Plan for the District.

DM1 – Development within Settlement Boundaries  
DM8 – Local Parking & Highways Design Standards  
DM12 – Designated & Non-Designated Heritage Assets

### **Other Supporting Documents**

- Development Parcel Design Code Phase 2 (New Lubbethorpe)
- Leicestershire Highways Design Guide
- Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document
- Leicester & Leicestershire Housing & Economic Needs Assessment (2022) (HEDNA)

### **Consultation Summary**

**Blaby District Council, Environmental Services** – Have no objections

**Blaby District Council, Housing Strategy** – are in support of the application and have requested a commuted sum of £64,464 towards the shortfall of affordable housing (0.4% of a unit). This is to be secured by a unilateral undertaking prior to issue of decision.

**Blaby District Council, Neighbourhood Services** – have no objections

**Environment Agency** – have not objected

**Leicestershire County Council, Archaeology** – have no objections

**Leicestershire County Council, Ecology** – have no objections

**Leicestershire County Council, Highways/Footpaths** - have no objections subject to conditions.

**Leicestershire County Council, Landscape & Arboriculture** – have no objections

**Leicestershire County Council, Lead Local Flood Authority** – have no objections and have provided Standing Advice.

**Leicestershire Fire and Rescue** – have not provided comments

**Leicestershire Police** – are supportive of the application and have provided comments.

**Lubbesthorpe Parish Council** – support the application

**Severn Trent Water** – have not provided comments

**Third Party Representations** - No third party representations received

### **Relevant History**

**11/0100/1/OX** - Outline application for 4,250 dwellings, a mixed use district centre and two mixed use local centres featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, with the provision of care, non-residential institutions including a secondary school, primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new road bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane - Approved 14/01/2014 (as amended in non-material amendment applications).

### **EXPLANATORY NOTE**

## **The Site**

The application proposes the development of the fifth and final residential parcel that contributes towards phase 2 sub-phase 3 of the Lubbesthorpe development. The western edge of the application site abuts parcel R9(1), a development of 74 dwellings approved by Planning Committee in November 2020. Parcel R9(2) to a large extent is designed as an extension of R9(1) and somewhat mirrors its layout.

The site currently comprises of open undeveloped slightly sloping fields with a rural character and established natural boundaries. Open space with a large drainage pond is located to the east of the site. Open space, with a nearby children's play area is located to the north and an established wooded area is located to the south on the opposite side of Tweed Street. The site falls within the area of the original Lubbesthorpe outline planning permission and so the principle of the development is accepted and approved via 11/0100/1/OX.

## **The Proposal**

The application proposes the erection of 57 dwellings comprising:

<b>Market Mix</b>	<b>Affordable Mix</b>
2 x 1 bed dwellings	1 x 1 bed dwellings
12 x 2 bed dwellings	5 x 2 bed dwellings
3 x 2 bed bungalows	1 x 2 bed bungalows
15 x 3 bed dwellings	3 x 3 bed dwellings
14 x 4+ bed dwellings	1 x 4 bed dwellings

The site is to be accessed via Tweed Street to the south of the site with three internal accesses from the adjoining R9(1) parcel. These several points of access ensure that the site forms a cohesive and connected development parcel as part of the wider Lubbesthorpe site.

The scheme proposes an outward facing layout containing a mix of dwelling types which have a positive and integrated relationship with the adjacent landscaping and public open space. The parcel layout and its dwelling types are designed so that this parcel continues on from the previously approved R9(1) parcel to the west. The proposed dwellings are attractive and well-proportioned and incorporate quality design features and detailing. The plans show that solar photovoltaic (PV) panels are to be installed on all dwellings. The affordable homes are equally treated so as to be indistinguishable from the market homes and are dispersed throughout the site so as to avoid clustering.

Street tree planting, landscaped build-outs in the road, pocket landscaping and planted front boundaries further enhance the design of this residential parcel. The scheme also incorporates Swift nesting boxes on some dwellings and hedgehog highways are proposed throughout to further support local wildlife and biodiversity.

The gently sloping site would require some limited use of retaining structures up to approximately 1m in height. The retaining features would be sensitively located so as not to be unduly visible in the street scene.

The approved design code for this sub-phase identifies the site as requiring a number of 'Special Buildings' in prominent locations. Special Buildings are intended to stand out from the main development to create visual interest and function as way-markers for easy navigation around the site. On balance, it is considered that the scheme substantially complies with the main design requirements set out in the design code, achieving the best practice principles of good placemaking and urban design.

### **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.

### **National Planning Policy Framework 2024**

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

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

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

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a 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.

The revised NPPF was published by the government in December 2024 and this is the version which should now be referred to.

## **Planning Practice Guidance**

The Planning Practice Guidance, published by the government, adds further context to the National Planning Policy Framework and it is intended that the two documents should be read together.

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

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

### Policy 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. The design of new development should also be appropriate to this context.

### Policy CS3 - Sustainable Urban Extension

Policy CS3 set out the vision for the Lubbethorpe SUE and it states that the development should be a high quality, sustainable, mixed-use development that is well connected and has a functional relationship with the wider area but allows adequate opportunities to locally access services and facilities. The policy, which was adopted in advance of Lubbethorpe receiving its outline planning permission, sets out the parameters for the development including expectations for housing, employment, education, local and district centres, green infrastructure, general infrastructure and transport and movement.

### Policy CS7 – Affordable housing

Policy CS7 sets out the Council's requirements for the delivery of affordable housing. The amount of affordable housing for Lubbethorpe has been provided in accordance with a framework set out and agreed as part of the original S106 Agreement which accompanied the outline planning permission. Currently the threshold for this sub-phase is 20% provision.

### Policy CS8 – Mix of Housing

Policy CS8 states that residential development proposals of 10 or more dwellings should provide an appropriate mix of housing type, tenure and size to meet the needs of existing and future households in the District. The mix of housing has been previously agreed across the whole of sub-phase 3 to ensure a balanced compliance with both the HEDNA and parish level data.

### CS10 – Transport Infrastructure

Policy CS10 seeks to limit the impacts of new development on levels of vehicle movements by reducing the need to travel by private car by locating new development in areas where people can access services and facilities without reliance on private motor vehicles.

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

Policy CS11 seeks 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 CS14 – Green Infrastructure

Policy CS14 aims to protect existing and provide new networks of multi-functional green spaces. Green infrastructure can include formal open spaces for sport and recreation, green areas that can be used for informal recreation and areas that are valuable for their biodiversity.

#### Policy CS15 – Open Space, Sport and Recreation

Policy CS15 indicates that Blaby District Council will seek to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities.

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

Policy CS19 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 CS20 Historic Environment & Culture

Policy CS20 states that heritage assets such as Listed Buildings, Conservation Areas and archaeological remains will be preserved, protected and where possible enhanced. Development should make a positive contribution to the character and distinctiveness of the local area.

#### Policy CS21 - Climate Change

Policy CS21 states its strategic objectives which include; to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve bio-diversity, wildlife habitats and corridors through the design of new developments and the management of existing areas by working with partners and, to minimise the risk of flooding (and other hazards) to property, infrastructure and people.

#### Policy CS22 – Flood Risk Management

Policy CS22 seeks to ensure that all new development minimises flood risk vulnerability, providing resilience to flooding by directing new development to locations at the lowest risk of flooding within the District using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere and to protect the quality of the receiving water course. Where possible, the Council will encourage development to reduce the overall flood risk through the design and layout of schemes which enhance natural forms of drainage. New development should incorporate the principles of SuDS which aim to control surface water runoff as close to its origin as possible and mimic the natural processes of undeveloped land. SuDS provide multiple flood risk, water quality and biodiversity benefits that can be widely applied to appropriately designed development. The SuDS strategy for the whole of sub-phase 3 was approved via a discharge of conditions application in June 2022. Leicestershire County Council as Lead Local Flood Authority were consulted on that application and on this current application and have not objected to the proposals.

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

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

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

The Delivery DPD sits alongside the Core Strategy to form part of the Development Plan for the District. The following Policies are considered to be the most relevant to this application;

#### Updated Policy CS15 - Open Space, Sport and Recreation

Updated Policy CS15 supersedes Policy CS15 in the Core Strategy and sets out amended standards for open space provision across the District.

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

Policy DM1 seeks to support suitable development located within the boundaries of existing settlements where the proposal would not unduly impact on neighbouring uses;

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

#### 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.

#### Policy DM12 – Designated & Non-Designated Heritage Assets

Policy DM12 requires that heritage assets such as listed buildings, conservation areas and archaeological remains will be preserved, protected and where possible enhanced. Development should make a positive contribution to the character and distinctiveness of the local area.

### **Development Parcel Design Code: Phase 2 sub-phase 3 (New Lubbethorpe)**

The Phase 2 sub phase 3 Design Code for Lubbethorpe forms the basis for guiding the design and layout of the development parcels to ensure that they achieve high quality placemaking objectives. All reserved matters applications must be substantially in accordance with the Code.

### **Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document**

Provides guidance relating to the interpretation of policies CS7 and CS8 of the Core Strategy. It seeks to address imbalances in both the market and affordable housing stock and to optimise the provision of affordable housing to meet identified needs.

### **Leicestershire Highways Design Guide**

This 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 of development layouts to ensure that they provide safe and free movement for all road users. It aims to:

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

A updated version of the Leicestershire Highways Design Guide was published in December 2024. However, as pre-application discussion for this reserved matters application commenced in advance of the publication of the new version, Leicestershire County Council has agreed to assess the application on the basis of the previous version of the guide.

### **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 any 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 material considerations relevant to the determination of this application are:

- The principle of the development;



- Housing mix and affordable housing;
- The impact of the development on the amenity of nearby and future residents;
- The impact of the development on the character and appearance of the area (Lubbesthorpe and the wider landscape)
- The impact of the development on the surrounding highway network;
- The impact of the development on biodiversity, the historic environment and wider environment.

### **Principle of the Development**

The principle of the residential development of this site was established by the 2014 approval of the outline planning permission 11/0100/1/OX which granted permission for 4,250 dwellings, a mixed use district centre and two mixed use local centres featuring a supermarket, retail, commercial, employment, leisure, health, community and residential uses, non-residential institutions including a secondary school, primary schools and nurseries, an employment site of 21 hectares, open spaces, woodlands, new access points and associated facilities and infrastructure, and detailed proposals for two new road bridges over the M1 motorway and M69 motorway, and two road access points from Beggars Lane and new accesses from Meridian Way, Chapel Green/Baines Lane and Leicester Lane.

The application site would become the fifth and final parcel of phase 2, sub-phase 3 to receive reserved matters approval for details of layout, scale, appearance and landscaping. In total the wider development will comprise of 4 phases and 8 sub phases.

Whilst the principle of the development is considered acceptable the proposed development must be weighed against all other material considerations to ensure that there are no negative impacts on the surrounding environment which would outweigh the perceived benefits.

### **Housing Mix and Affordable Housing**

The proposal will deliver the Lubbesthorpe housing mix requirements for market homes. In terms of affordable homes, the Lubbesthorpe affordable housing requirement is currently set at 20%. The scheme will provide 11 affordable dwellings but falls short of the 20% threshold by 0.4% of a dwelling (as the total of 57 dwellings is not divisible by 5). Blaby District Council's Housing Strategy officers have been consulted on the scheme and they have confirmed they are in support of the scheme subject to the provision of a commuted sum from the developer towards that small shortfall. They have calculated the sum at £64,464 which is to be secured via a unilateral undertaking prior to the issue of the decision.

As with all Lubbesthorpe housing schemes, no more than 6 affordable homes are to be clustered together (as specified in Blaby's Housing Mix and Affordable Housing Supplementary Planning Document) and they are to be indistinguishable from the market homes and meet required space standards. The affordable homes are considered acceptable in this regard. It is considered therefore that the proposed development meets the Council's requirements for Lubbesthorpe in terms of affordable housing provision and the housing mix and it would comply with policies CS7 and CS8 of the adopted Blaby Core Strategy 2013.

## **The impact of the development on the amenity of nearby and future residents**

The development site would overlook open space to its immediate north and east, with Tweed Street and an area of established woodland opposite to the south. The layout has been designed to be outward facing to ensure that the scheme respects these public open spaces. The closest residential properties would be located on the adjoining approved and completed parcel R9(1) to the west.

It is considered that the relationship, positioning, orientation and separation distances between existing and proposed dwellings would not likely result in any undue impact on the amenities of the occupiers of those closest neighbouring dwellings. Internally the scheme has been designed to meet, as far as reasonably possible, the Council's amenity standards and the rules set out in the approved Lubbesthorpe design code for this current sub-phase. The scheme would provide sufficient separation distances, natural surveillance (of shared spaces, open spaces and private areas) and would create an attractive environment for future occupiers.

It is considered that the proposed development would not unduly harm the residential amenities of existing and future occupiers. The scheme is considered to comply with Policy CS2 of the adopted Blaby Core Strategy 2013 and Policy DM1 of the Delivery Development Plan Document (Delivery DPD) (2019).

## **The impact of the Development on the character and appearance of the area (Lubbesthorpe and the wider landscape)**

It is recognised that the development of the existing open fields will impact on the character and appearance of the area. This was considered at the time of the outline planning application when it was concluded that the proposal would not unduly harm the intrinsic character of the surrounding area to a degree that would outweigh the benefits provided by the proposal.

It is considered that the design of the scheme has taken the design and layout of surrounding parcels and adjacent open green spaces into account. The layout makes use of perimeter blocks and is outward facing at the interfaces with open spaces and the public realm. It is designed so that it complements and continues from the adjoining previously approved parcel to the west.

In addressing the impact on the street scene and nearby developments recently approved, street scene plans have been submitted which illustrate clearly how the proposal will be viewed in the context of the adjoining built out parcel. The proposed house types and their materials are considered attractive, well-proportioned and designed to acknowledge their immediate surroundings. It is considered they meet the requirements of the current Lubbesthorpe design code and are in-keeping with the design and character of the wider Lubbesthorpe development.

It is therefore considered that the proposed development would not unduly harm the character and appearance of the surrounding area and would comply with Policy CS2 of the adopted Blaby Core Strategy 2013 and Policy DM1 of the Delivery Development Plan Document (Delivery DPD) (2019).

## **The impact of the development on the surrounding highway network**

The impact of the wider development on the surrounding highway network was considered at the time of the outline planning permission. The outline application required the provision of a Highways Delivery Strategy which proposed a set of mitigation measures to offset the highways implications. These measures will be delivered strategically throughout the life of the development in accordance with the Strategy.

The County Highway Authority has assessed the scheme and raised no objection to the layout subject to conditions controlling; the provision and retention of parking and turning areas prior to occupation, the provision and retention of private access drives and turning spaces, a restriction on any further vehicular access gates, barriers, bollards, chains etc within a distance of five metres of the highway boundaries and the provision and retention of the required pedestrian visibility spays prior to occupation. The County Highway Authority works to maximum parking standards which means that schemes are assessed on the general requirement for residential parking (two spaces for up to 3 bedroom dwellings and three spaces for 4 bedroom plus). The County Highway Authority have assessed the proposal against the Highways Design Guide which sets those standards and they consider that the parking provision across the site is acceptable. They consider that the impacts of the development on highway safety and the road network would not be unacceptable.

The County Highways Authority, as part of their formal response, have provided comment on the landscaped build-outs proposed along the eastern edge road to act as a traffic calming measure. They have set out that a commuted sum will be required from the developer for the on-going maintenance of the soft landscaping within those build-outs. This will be secured by the County Highways Authority through the later (S38) highways adoption process. They have reminded the applicant through an additional informative on their formal response that root barrier/deflection treatment for landscaping in the highway/private land adjacent to footway may also need to be considered at that stage. A planning condition is therefore deemed appropriate requiring the developer to submit details of those treatments to the District Council in advance so that they can be assessed in terms of any impact on visual amenity.

## **The impact of the development on biodiversity, the historic environment and wider environment**

The outline planning application was supported by a raft of strategies and assessments which assessed the important environmental implications of the Lubbesthorpe development, including impacts on biodiversity, historic assets, flood risk and the wider environment (pollution/noise etc.). Each of these overarching strategies was considered and shown to be acceptable in the mitigation it proposed to offset any potential impact.

Further phase-based and (smaller) sub-phase based assessments and strategies are required to be submitted and approved prior to commencement into each new phase or sub-phase of the development to ensure that the information remains up to date relevant.

The County Council's Ecology Section, Archaeology Section, Forestry (landscaping) Section and the Lead Local Flood Authority have been consulted as part of this application as have Blaby District Council's Environmental Services team. No objections have been raised in relation to this application.

The scheme proposes the provision of generous planting of new hedges, trees and pocket landscaping, along with the provision of new swift boxes and hedgehog highways which will all help to contribute towards the enhancement of the immediate and wider site's biodiversity. It is considered that the proposed development would not cause unacceptable harm to the surrounding environment and complies with Policies CS14, CS19 and CS20 of the adopted Blaby Core Strategy 2013.

### **Compliance with the Outline Planning Permission and guidance documents**

The proposal would comply with the principles and parameters of the Outline Planning Permission (as amended) and the necessary elements of the supporting documents to a satisfactory degree and proposes a development which is considered acceptable in that regard.

### **Environmental Impact Assessment**

The application was considered in relation to the Environmental Impact Assessment Regulations 2017 and the Environmental Impact Assessment which accompanied the outline planning application which pre-dated the 2017 Act. It is not considered that there is any evidence to suggest that the development of the application site would change the original reasoned conclusion of the Environmental Impact Assessment or suggest that any significant environmental effects are likely to arise as a result of the proposal.

### **Conclusion and Planning Balance**

It is considered that the proposed development would accord with the principles of the NPPF and the Policies set out in the Development Plan. There are no technical objections or any material consideration which would indicate otherwise. It is therefore considered that on balance, the proposal is acceptable in planning terms for the reasons set out above.

Accordingly, this application is recommended for approval without delay subject to the conditions set out above.

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