

Blaby District Council
Planning Committee

Date of Meeting 8 May 2025
Title of Report Applications for Determination
Report Author Development Services Manager

1. What is this report about?

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

2. Recommendation

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

3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **28 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
	24/0004/FUL	9	Land off Gillam Butts, Countesthorpe	APPROVE
	24/0105/FUL	69	Elms Farm Bungalow, Springwell Lane, Whetstone	APPROVE
	24/0117/VAR	111	Unit 3, Fosse Park Avenue, Grove Way, Enderby	APPROVE
	24/0615/OUT	137	Off Hinckley Road, Leicester Forest East	APPROVE
	24/0976/OUT	196	2 Spring Gardens, Sapcote	REFUSE

3.3 Appropriate Consultations

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

[Search for Applications – Blaby District Council](#)

3.4 Resource Implications

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

4. Other options considered

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

5. Background paper(s)

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

6. Report author's contact details

Kristy Ingles	Development Services Manager
Stephen Dukes	Strategic Growth Manager
planning@blaby.gov.uk	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

All legal owners of the land have been served the required 21 days' notice. Consultation has been carried out in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Council's adopted Statement of Community involvement.

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. Following the publication of the revised NPPF in December 2024 and the Council's revised housing numbers, the land housing land supply position is likely to have further reduced.

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 of particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the application. It is therefore necessary to assess the proposals against limb two of paragraph 11d, i.e. whether the adverse effects of granting planning permission would *significantly* and *demonstrably* outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

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

Paragraph 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, Sapcote (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 (and further reduced following the December 2024 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 is 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 exiting 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 updated flood risk data shows 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 majority of the built development is directed away from the area at high risk of surface water flooding however the access road is required to pass through the area of surface water flood risk.

Consequently, a Sequential Test was provided which assessed the flood risk of other similar reasonably available sites to establish whether there were any sequentially preferable sites at a lower risk of flooding which could accommodate the development. The scope of the sequential test was agreed with Officers. District wide sites were considered which could accommodate 20-60 houses, with sites of greater flood risk being discounted. The Strategic Housing Land Availability Assessment (SHLAA) 2019 was used to identify potential development sites, with the sites required to be available at the same point in time as the proposed development. Sites currently being marketed on Rightmove were also assessed. The assessment concluded that although a number of potential sites were identified, all of these were considered unsuitable for a number of reasons including policy objections, size of the site, existing uses, heritage considerations and sites also being at the same flood risk as the application site.

Following this review, Officers are satisfied that no preferably sequential sites at lower risk from surface water flooding are available.

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 reviewed the submitted Flood Risk assessment and drainage proposals as well as an addendum to the Flood Risk Assessment in relation to the updated surface water flood information 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 (and further reduced following the December 2024 NPPF). 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. Whilst the proposed access road would pass through an area of surface water flood risk, a sequential test has been carried out which has found there are no sequentially preferable sites which are suitable and available at lower risk of surface water flooding to accommodate the development. Furthermore, the area of surface water flooding is an isolated area rather than a flow path and it is considered that the flood risk could be suitably mitigated through sustainable drainage systems at detailed design stage.

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 considered 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.

**24/0105/FUL Registered Date
2 February 2024**

Mr Liam Edwards (MyPad Group)

**Erection of 21 dwellings and associated works including
demolition of existing bungalow & outbuildings.**

Site Of Elms Farm Bungalow, Springwell Lane, Whetstone

**Report Author: Maria Philpott, Senior Planning Officer
Contact Details: Council Offices. Tel: 0116 2727520**

RECOMMENDATION:

**THAT APPLICATION 24/0105/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:**

- Provision of 100% affordable housing
- Secondary education contribution
- Library facilities contribution
- Waste facilities contribution (household waste centre)
- Refuse bin collection
- Healthcare facilities contribution
- 2 x 6 month bus passes for first occupants of each dwelling
- Travel packs for each dwelling
- Open space contributions
- Leicestershire County Council monitoring costs
- Blaby District Council monitoring costs

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

1. 3 year time limit.
2. Approved plans.
3. Prior to commencement, details of site/finished floor levels to be submitted, agreed and adhered to.
4. Prior to commencement, a Construction Management Statement to be submitted, agreed and adhered to during the construction work (including measures relating to construction traffic and wheel washing)
5. Prior to commencement, a Construction Ecological Management Plan including Reasonable Avoidance Measures Statement shall be submitted, agreed and adhered to during the construction work.
6. Prior to commencement, the submission of a Landscape and Ecological Management Plan to be submitted, agreed and implemented
7. Contamination phase II (investigation)
8. Contamination phase III (remediation) (if required)
9. Contamination verification (if required)
10. Unexpected contamination

11. Prior to the commencement of development, further details of foul and surface water drainage shall be submitted, agreed and implemented
12. Prior to the commencement of development, details of the management of surface water drainage on site during construction of the development to be submitted, agreed and implemented
13. Prior to the commencement of development, an Arboricultural Method Statement and Tree Protection Plan shall be submitted, agreed and adhered to
14. No occupation until details of the long-term maintenance of the surface water drainage system shall be submitted, agreed and implemented
15. Tree protection to be in place during construction
16. Details of all external materials to be submitted, agreed and adhered to.
17. Details of all hard and soft landscaping to be submitted and agreed (including boundary treatments).
18. Agreed landscaping scheme to be carried out.
19. Details of street lighting and individual plot lighting to be submitted, agreed and adhered to.
20. Development to be implemented in accordance with the recommendations set out in the Habitats and Protected Species report by Paul Hickling Associates dated February 2024.
21. Development to accord with the Noise Impact Assessment by By Acoustics dated November 2024 and mitigation measures therein
22. No occupation until the access, parking and turning has been provided to accord with the approved proposed site layout plan
23. Removal of PD rights – extensions, porches and outbuildings
24. First floor bathroom window to Plot 7 to be obscure glazed
25. EV charging points to be submitted, agreed and implemented

NOTES TO COMMITTEE

Relevant Planning Policies

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS5 – Housing distribution
Policy CS7 – Affordable housing
Policy CS8 – Mix of housing
Policy CS10 – Transport infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS12 – Planning obligations and developer contributions
Policy CS14 – Green infrastructure
Policy CS15 – Open space, sport and recreation (updated in the Delivery DPD)
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)

Policy DM1 – Development within Settlement Boundaries
Policy DM4 – Connection to digital infrastructure
Policy DM8 – Local Parking and Highway Design Standards
Policy DM11 – Accessible and adaptable homes
Policy DM12 - Designated and Non-Designated Heritage Assets
Policy DM13 – Land contamination and pollution

National Planning Policy Framework (NPPF) (2024)

National Planning Practice Guidance (NPPG)

Other Supporting Documents

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

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 Waste Storage and Collection Guidance for New Developments

Blaby District Council New Development Quick Reference Guide – Waste Storage and Collection

Blaby District Council Open Space Audit (2019)

Blaby Landscape and Settlement Character Assessment (2020)

Blaby Residential Land Availability Report (2024)

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

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

Joint Strategic Flood Risk Assessment Final Report (2014)

Consultation Summary

Blaby District Council, Environmental Services –

[First Response] No objection. The Noise Impact Assessment is acceptable and incorporates suitable mitigation measures. Recommends conditions regarding contamination Phase 2 (investigation), noise mitigation and construction management statement. Also recommends consultation with the LLFA and EA regarding drainage. *[Officer comment – consultation with the EA is not required as the site is in Flood zone 1]*

[Second response] No objection. Amended Noise Impact Assessment has been submitted to address the change to the layout which is considered to be acceptable.

Blaby District Council, Neighbourhood Services –

[First Response] Comments. Provided guidance to the developer.

[Second response] Comments. Cannot see where bin storage and collection points are on the amended plans. Provided general guidance as previously. *[Officer comment – bin storage locations have been shown on the amended plans. The road will be adopted therefore bin collection will be in front of each dwelling at the kerbside with storage in rear gardens].*

Blaby Strategic Housing –

[First response] Supports the scheme. The housing mix accurately reflects the District's needs both property and tenure type and is acceptable to the developer in viability terms. The site will comprise affordable housing to rent and also shared ownership. All properties meet the size criteria for internal floor space and have the correct amount of parking spaces and rear garden access.

In terms of housing need, the Housing and Economic Needs Assessment (HENA) published in 2022 states that Blaby District should provide 536 affordable housing units per annum for the next 20 years to meet the existing and emerging needs of our District. There is a long waiting list with people waiting a minimum of six months up to 200 weeks and this has increased significantly since 2019. There is a significant increase in need for four-bedroomed dwellings and the applicant has been willing to show two four-bedroom dwellings on the site which is unusual and demonstrates the applicant's willingness to meet the needs of the District despite the cost to them. At the time of writing, there are 155 households awaiting accommodation in the priority need band and 82 households awaiting accommodation in the high band.

[Second response] Additional comments in support of the scheme. The Housing Strategy Team has been working closely with the developer over a number of years to ensure that the project delivers against the specific housing needs we have in Blaby District. The final mix is a reflection of this work and as an all-affordable scheme will provide much needed homes for residents currently experiencing homelessness and other severe housing difficulties. This comes at a time when sadly our levels of homelessness and housing insecurity are the highest they have been and are still increasing.

Of particular benefit is the provision of two four-bedroom properties on a scheme of this size. Although the numbers of households on our waiting list for four-bedroom properties are smaller than for the other property types, this group is particularly underserved in provision in the social housing sector. Only 12% of applicants in this group have been housed over the previous two years (2 lets), leaving the majority waiting an extended period of time, either in unsatisfactory homes or in temporary accommodation. This issue is exacerbated by the Private Rented Sector rents for 4+ bedroom properties which currently have an average cost of £1,525.00 per calendar month in the District and in effect removing this as an option. Through working closely with the developer, we have secured two four-bedroom properties which, given their footprint size is at a cost to the developer with smaller homes being more economical. We hope this collaboration and willingness to compromise, from the developer's standpoint, indicates the commitment of the scheme to serve our community's needs.

In terms of the specific need for new housing in Whetstone, since January 2022 there have been 64 properties advertised and let from the Housing Register in Whetstone. In the same period 73 households who live, work, or have a family connection to Whetstone have been housed from the Housing Register in properties across the district. Whilst we accept that Whetstone has seen significant development of social housing in recent years (which has provided a vital boost to our social housing stock and was on brownfield land), there are still currently 112 households who live in Whetstone, or have a family or work connections to Whetstone, with Live applications on the Housing register. 33 of these households are in Emergency Housing need (Priority Band) and waiting to be housed.

Leicestershire County Council, Archaeology –

[First Response] No objection. Will not result in any significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

[Second Response] No objection, refer to earlier comments.

Leicestershire County Council, Ecology –

[First Response] More information requested. Want more info on BNG calculations and querying some of the mapped areas; Want BNG calculations in excel format and accompanying habitat maps; The proposed gardens should be mapped as vegetated garden rather than modified grassland as the condition cannot be ensured; Cannot see any proposed hedgerows on the plans so it's not clear where the gains in hedgerow units are coming from; Regarding protected species, no concerns regarding bats;

[Second Response] No objection. The application was submitted prior to BNG, therefore only measurable net gains need to be demonstrated which has been provided. Condition to be imposed relating to bat and bird boxes and suitable hedgehog gaps in boundary features (can be secured via a Landscape and Ecological Management Plan condition).

Leicestershire County Council, Forestry –

[First Response] Objection. A more detailed Arboricultural Impact Assessment is required to assess the impact on tree T1 as the road edge will encroach into the root protection area. Trees T2 and T3 are too close to Plots 4 and 5 to allow them to be successfully retained into maturity and Plots 4 and 5 would effectively be in permanent shade beneath the evergreen canopy of tree T2. The current design does not therefore cater for the future growth of these trees and there is potential conflict between nuisance issues and pressure for the future necessary removal of the trees or inappropriate pruning. The AIA should therefore be updated to reflect the proposed design and appropriate methodologies to ensure successful retention of the trees.

[Second response] No objection subject to conditions regarding the production of an Arboricultural Method Statement and detailed Tree Protection Plan.

Leicestershire County Council, Highways –

[First response] More information required as set out below:

- Cannot advise if the existing access is safe and suitable to cater for the development as no Stage 1 Road Safety Audit (RSA) has been carried out which is required, together with a Designers response and amended plans;
- An uncontrolled pedestrian crossing with tactile paving should be provided, with tactile paving across the priority T-junction, including 2m wide footways on both sides of the access;
- The corner radii and longitudinal gradient should be added to the access drawing;
- A refuse lorry of 11.2m in length should be modelled at a minimum speed of 15km per hour;
- A fire appliance should also be tracked in accordance with the Leicestershire Highways Design Guide and no vehicles should overhang any footway to access or egress the site;
- The quantum of car parking needs to be revised as houses with 4-bedrooms need to have 3 spaces per dwelling;
- Parking is not close enough to the houses, particularly Plots 14, 19 and 22;
- Parking spaces are also too short and should be 2.4m x 5.5m in length (not 5m);
- Parking spaces for Plots 16-23 are bound on both sides so will need 0.5m extra space;
- To meet adoptable standards, a 1m service strip should be replaced with 2m strip, tree species would need to be agreed, to ensure no impact on visibility, Consideration of roof barrier/deflection treatment would be required when proposing trees/shrubs adjacent to the footway, not possible to comment on the vertical alignment, drainage, materials or proposed construction details at this stage;

The LHA is satisfied on the following points:

- Proposed access to Plot 1 is acceptable as visibility can be achieved in both directions and trips associated with the access would be relatively infrequent;

- There has been only one Personal Injury Collision (PIC) (serious) within a 500m radius of the site in the last 5 years. The LHA will review highway safety further once in receipt of the site access information;
- Trip generation – AM peak is agreed, although the PM peak rates seem low in comparison to other residential developments in the vicinity, nevertheless the AM trip rates are considered to be robust and would not generate more than 30-two-way movements in the peak hour. The LHA considers that a residential development of this type and scale would not generate a significantly greater number of trips in the PM peak hour. Consequently, the LHA is content that the proposed development would not have any significant impacts on the highway in terms of capacity and congestion;
- With additional sections of footway provided, the site is within walking, cycling and wheeling distance to other services and facilities and offers other potential modes of transport;
- Train and bus services are also available from nearby bus stops to Leicester to Lutterworth and from Narborough Station connecting with Leicester, Hinckley, Nuneaton and Birmingham.
- Two six-month bus passes should be offered to the first occupants of each dwelling by way of S106 agreement.

[Second response] More information required as set out below:

- No uncontrolled pedestrian crossing is proposed across the access and this is continued to be requested;
- The swept path analysis features a refuse vehicle of 10.042m in length but Blaby District Council uses vehicles of 10.29m in length. A vehicle of this length or longer should be used;
- No swept path analysis has been used for fire appliances demonstrating that fire appliances can access and egress the site in all directions;
- The swept path analysis shows overhanging of the footway for the left turn in manoeuvre which could result in pedestrians being struck by the turning vehicle;
- Additional/amended swept paths are therefore required;
- The G-type dwellings will have four bedrooms and should be provided with three car parking spaces (Plots 1 and 2);
- Further advice is given regarding adoptability;

The LHA are satisfied with the following points:

- The RSA has not identified any safety problems at the site access to be addressed;
- Two metre wide footways have now been provided on both sides of the site access;
- Under the revised layout, the parking spaces are more conveniently located to their allocated dwellings than previously which is welcomed;

[Third Response] No objection, subject to conditions, and on the proviso that the site remains private:

- The additional swept path analysis drawings are acceptable and address previous concerns;
- Refuse vehicles tracking is acceptable;

- Note that the G-type dwellings still only have two off-road parking spaces, rather than three, resulting in a shortfall of two off-road spaces. Any overspill parking could be opposite the junction of Browns Way and are concerned that that vehicles egressing Browns Way could be confronted with vehicles within the wrong carriageway. However, as Springwell Lane is not considered a highly trafficked road and Browns Way only serves a small number of dwellings and has adequate visibility splays, on balance could not demonstrate this as contrary to the NPPF and a reason to refuse the application;
- The layout plan has not been amended to incorporate design speed controls into the layout to maintain a 20mph design speed as previously requested in order to meet adoptability requirements. As such, whilst the LHA would not request further details in relation to the internal layout, the site would not be considered for adoption and would therefore need to remain private.
- Request conditions relating to the provision of the access in accordance with the proposed site layout plan and a construction traffic management plan to be submitted.
- Financial contributions towards Travel Packs for each dwelling to inform new residents of sustainable travel choices in the surrounding area and two six-month bus passes for new residents.

[Officer comment – although the LHA have advised no objections, subject to conditions, this is on the proviso that the road remains private as insufficient detail has been provided to show how it can meet adoption standards with respect to speed controls. Officers cannot accept a scheme of this size to remain unadopted as this would result in refuse bins being pulled over a long distance from a large number of dwellings, with no suitable bin collection point on Springwell Lane. This is not a suitable or sustainable arrangement and although not a material consideration for the LHA as it would not result in a highway safety issue, this would not achieve a good standard of design or result in a high quality development. As such, officers intend to continue to seek amendments to the layout to ensure the site is suitable to meet adoption standards and can be adopted. It should be noted that it is the intention by the applicant that the road would be adopted.]

[Fourth response] No objection. An amended proposed site layout plan has been submitted that now includes speed control measures. This has been reviewed by the LHA and it complies with the Leicestershire Highways Design Guide and is of an adoptable standard. The gradients should conform to the standards set out in the Design Guide. Revised conditions and informatives are recommended.

Leicestershire County Council, Lead Local Flood Authority –

[First Response] More information required. The 0.51ha site is located within Flood Zone 1 as its at low risk of fluvial flooding and a very low to medium risk of surface water flooding. No information has been providing pertaining to flood risk or surface water as required and therefore insufficient information has been provided for a substantive response to be given at this stage.

[Second Response] More information required. A Drainage Strategy has been submitted that seek to discharge at 13.6 l/s via cellular storage and oversized pipes to an existing surface water sewer. Whilst the NPPF says that brownfield sites

should discharge as close to reasonably possible to greenfield runoff rates it is recognised that constraints on site area limit the scope for above ground SuDS. The betterment provided on the existing scenario is therefore deemed acceptable, conditional on approval from Severn Trent Water as the statutory sewer provider. The calculations provided demonstrate the sizing of attenuation is appropriate to the designed discharge rate. Flooded volumes in the 1 in 100 return period are deemed appropriate to what can be accommodated by the highway. The proposals state that treatment will be provided within filter drains below the proposed cellular storage tanks. However, the proposed tanks are off-line and therefore will not receive first flush (the most polluted) run-off. As such, the LLFA does not believe that sufficient treatment train is being proposed. Consideration should be given to the inclusion of pervious paving within private drives, shared parking and shared unadopted accesses. Pervious paving would also have the benefit of discharging some of the additional volume generated by the site to the ground via infiltration.

[Third response] No objection subject to conditions. Subsequent to the previous LLFA response the applicant has submitted a revised drainage strategy. This now includes permeable paving in private driveways to enhance treatment of surface water drainage. Conditions requested relate to the submission of a surface water scheme, details on the management of surface water during construction and details on the long-term maintenance has been submitted and approved.

Leicester, Leicestershire and Rutland Integrated Care Board –

[First Response] Comments. S106 funding is required. The development will result in approximately 55.66 additional patients and therefore GP surgeries will need to increase proportionally to maintain services. The cost requested has been calculated to be £17,811.20.

[Second response] Comments. Based on the reduction in dwellings, the site would result in 50.82 additional patients and therefore the funding figure requested has been revised to £16,262.40.

Leicestershire County Council, Planning Obligations –

[First Response] Comments. S106 funding is required. Funding is required towards secondary education (Thomas Estley Community College) of £68,661.72. Funding towards Post-16 education (Countesthorpe Academy) of £14,669.19. A libraries contribution of £694.55 (based on assumed occupancy of 69 people) for contribution towards provision of additional stock to Cosby library. A waste contribution of £549.01 is requested to go towards the cost of maintaining the Household Waste Recycling Centre at Whetstone.

[Second Response] – Comments. S106 funding is still required, the figures have been revised down based on the reduction in dwellings to 21. Funding is required towards secondary education (Thomas Estley Community College) of £62,691.13, a libraries contribution of £634.15 to Cosby library and waste contribution of £501.27 is requested to go towards the cost of maintaining the Household Waste Recycling Centre at Whetstone. Note, post-16 education funding is no longer required as there is capacity at Countesthorpe Academy.

Police Designing out Crime Officer –

[First response] No objections to the principle. Make the following observations:

- There are no issues with permeability;
- Consideration of CCTV is recommended at the key vehicle entry point (supported by number plate recognition and data compliance signage) but not necessary for the site as a whole, due to size of site;
- Electrical spur on nearest lampposts by the entry point for CCTV is recommended;
- Lighting should illuminate the main vehicle entry point and walkways and open space areas;
- Gable end windows to increase natural surveillance;
- Bin storage and cycle storage in secure areas to avoid potential criminal use;
- Foliage should be no more than 1m and trees no lower than 2m to allow a 1m clear field of vision;
- Perimeter enclosure is recommended to be to a height of 1.2m at the front and 1.8m to sides and the rear in a material in keeping with the environment;
- Other general comments given in relation to tested doors and windows, alarms, curtilage parking, Secured by Design principles and S106 funding opportunities.

[Second response] No objection to the proposal and no further comments to make.

Severn Trent Water – No comments received

Whetstone Parish Council –

[First Response] That Council OBJECTS to the planning application as presented. The proposals are a clear overdevelopment of the site, and this can be measured against previous divisions of the land when the previous owners of the proposed site sold off land to create Alice Gardens and Ewan Close. With these two examples, the site offers a comparative space for 15 dwellings of a detached nature. The need for a mix of private and social / affordable housing is not applicable due to the recent developments on both Cambridge Road (Venture Group) and Off Henson Close (EMH). It should be noted that this Council would not oppose such a planning application. The over intensification of the site is seconded with the LHA comments in its submissions, which indicate that issues exist with the applicant's submitted details.

It is noted that the applicant has not considered pre-consultation advice with the LPA which Council feels is poor. If they had engaged, Council feels a more rounded application could have been forthcoming.

The application is not in keeping with the street scene along Springwell Lane. It does not sit in keeping with the existing dwellings on either side, apart from the two properties that are sited along Springwell lane, but even these have issues, as raised by the LHA.

A less intensified design could also keep more of the existing trees within the development. The loss of these that form part of the old bungalow arboretum is not

welcomed. The root protections shown is tight, as is the acceptable dwelling position calculations used in relation to existing properties on Alice Gardens.

The application is therefore overbearing on neighbouring properties due to its over intensification of the plot. To replace one large bungalow is understood, but to propose 23 dwellings including infrastructure and associated requirements is unacceptable. The design standards employed do not fit the plot, or location.

As a Parish, we have always argued that Whetstone has an over intensification on behalf of the district for social and affordable housing. This development does not need either, and these need removing to deliver a less intensive design, and this should also reflect sympathetically to the surroundings and the sites neighbours that already exist.

The comparative areas of Alice Gardens with its 11 dwellings and Ewan Close and its 10 dwellings should be considered in this design. The density issues raised by Cllr. P. Cox were valid and this should be used to refuse this application, or get the applicant to withdraw it in its current state and reconsider the points being raised by objectors.

The mood of the room was that it was not opposed to a development of suitable housing being built here, with the right numbers of dwellings that matched the location. Indeed, the benefits of s106 and sums to the Parish Council, as no onsite public open spaces exist, were welcomed from the developer.

Traffic generation numbers were also discussed and challenged based on the actual car numbers that now “live” in both Ewan Close and Alice Gardens. These were therefore incorrect in the submitted documents.

It was noted that no properties were given the luxury of a garage, so as to facilitate the parking proposed. No visitor parking existed on the plans and this would cause overspill parking onto Springwell Lane which already had three road junctions existing within a short length of Springwell Lane, and with the volume of traffic seen at school opening and closing times, this would not sit well on an already busy road. The positioning of the electric vehicle charging points had also been raised and some dwelling point locations were not acceptable.

Finally, Council noted that the Elms Farm Bungalow was the earliest dwelling on Springwell Lane. This was the end of an era with this dwelling having come to the end of its life, and it would give way to new beginnings for a number of families. The applicant needed to listen to the objections that this relatively small, proposed development had attracted and withdraw this application and return afresh with something that fitted onto Springwell Lane.

[Second response] That Council **OBJECTS STRONGLY** to the resubmitted and amended planning application as presented. The proposals are a clear overdevelopment of the site, and this can be measured against previous divisions of the land when the previous owners of the proposed site sold off land to create Alice Gardens and Ewan Close. With these two examples, the site offers a comparative space for 15 dwellings of a detached nature.

The need for a mix of private and social / affordable housing is not applicable due to the recent developments on both Cambridge Road (Venture Group) and Off Henson Close (EMH). It should be noted that this Council would not oppose such a planning application. The over intensification of the site is seconded with the LHA comments in its submissions, which indicate that issues exist with the applicants submitted details.

The design of the site layout is poor. No 1 Alice Gardens is a good example of poor design.

Plot 17 which has the under parking access has two parking spaces in front of the plot. These are for the neighbouring plot which cannot be considered good design.

All properties that face onto Springwell Lane have tandem parking. As four bedroom properties these will undoubtedly have more than 2 cars so will park on the road, which does not often take place. There are no parking spaces or areas in the development that allow for visitor parking. This will create displacement parking.

Car charging points are not attached to the relevant plots – poor design.

It is noted that the applicant has not considered pre consultation advice with the LPA which Council feel is poor. If they had engaged, Council feels a more rounded application could have been forthcoming. This resubmission states it has listened to initial comments. This is not the case or else the resubmission would be for lower number of dwellings. This is over development of the site.

The application is not in keeping with the street scene along Springwell Lane. It does not sit in keeping with the existing dwellings on either side, apart from the two properties that are sited along Springwell Lane, but even these have issues, as raised by the LHA.

A less intensified design could also keep more of the existing trees within the development. The loss of these that form part of the old bungalow arboretum is not welcomed. The root protections shown is tight, as is the acceptable dwelling position calculations used in relation to existing properties on Alice Gardens.

The application is therefore overbearing on neighbouring properties due to its over intensification of the plot. To replace one large bungalow is understood, but to propose 21 dwellings including infrastructure and associated requirements is unacceptable. The design standards employed do not fit the plot, or location.

As a Parish, we have always argued that Whetstone has an over intensification on behalf of the district for social and affordable housing. This development does not need either, and these need removing to deliver a less intensive design, and this should also reflect sympathetically to the surroundings and the sites neighbours that already exist.

The comparative areas of Alice Gardens with its 11 dwellings and Ewan Close and its 10 dwellings should be considered in this design. The density issues raised by

Cllr. P. Cox were valid and this should be used to refuse this application, or get the applicant to withdraw it in its current state and reconsider the points being raised by objectors.

The mood of the room again was that it was not opposed to a development of suitable housing being built here, with the right numbers of dwellings that matched the location. Indeed, the benefits of s106 and sums to the Parish Council, as no onsite public open spaces exist, were welcomed from the developer.

Traffic generation numbers were also discussed and challenged based on the actual car numbers that now “live” in both Ewan Close and Alice Gardens. These were therefore incorrect in the submitted documents.

It was noted that no properties were given the luxury of a garage, to facilitate the parking proposed. No visitor parking existed on the plans and this would cause overspill parking onto Springwell Lane which already had three road junctions existing within a short length of Springwell Lane, and with the volume of traffic seen at school opening and closing times, this would not sit well on an already busy road. The positioning of the electric vehicle charging points had also been raised and some dwelling point locations were not acceptable.

Finally, Council noted that the Elms Farm Bungalow was the earliest dwelling on Springwell Lane. This was the end of an era with this dwelling having come to the end of its life, and it would give way to new beginnings for several families. The applicant needed to listen to the objections that this relatively small, proposed development had attracted and withdraw this application and return afresh with something that fitted onto Springwell Lane.

Third Party Representations

Original scheme for 23 dwellings (as submitted in February 2024) - 57 objections received

Amended scheme for 21 dwellings (as amended in December 2024)- 22 objections received.

The objections were centred around the following issues:

Housing Provision:

- Whetstone has already had its fair share of development (including Cambridge Road and Whittle Estate) and cannot accommodate any more; no need for more development;
- Focus should be on upgrading existing housing and establishing new towns and developments;
- Requirement for bungalows in local area;
- Alternative community uses could be considered;
- Highways Implications: Existing congestion will be exacerbated; HGVs use the area as a cut through and buses cannot get past;

- Insufficient car parking; increase in on road parking; issues with car parking layout; security of car parking;
- Position of new access; proximity to other access roads; to many junctions'
- Impacts during construction
- Will restrict access for emergency vehicles and reduce visibility
- Difficult to provide EV charging points;
- Increased traffic on wider road network ;
- ;Increased risk of car accidents and accidents to pedestrians;
- The impact of developments on Cambridge Road and rear of Henson Close are still yet to be fully understood;

Community facilities/services:

- Inadequate infrastructure;
- The school is oversubscribed;
- Dentist and doctors are full;
- Impact on utilities;
- Will not foster a sense of community ;
- Impact to local parks, shops, pubs and restaurants;
- Oliver Park is not large enough for more residents;
- Only one pharmacy and post office nearby ;

Design and Layout:

- Overdevelopment – density too high for the area; Cramped layout;
- Character of development not reflective of neighbouring streets; higher density proposed;
- What impact to existing boundaries and what type of fencing is proposed?;
- Plot 23 will be too close to the pathway;
- Scale, massing, style and materials of dwellings not in keeping with existing dwellings;
- Only a footpath on one side of the road;
- Part of front garden of property in Ewan Close;
- Housing at the rear of the site should be on the same building line as those properties on Ewan Close;
- Adverse impact to character and ambiance to the neighbourhood, impact on quality of life;

Amenity:

- Small gardens proposed;
- Overlooking/loss of light to neighbouring properties;
- Land higher than properties on Alice Gardens Proposed access will cause light pollution into dwellings opposite;
- Impact on quality of life

Environment:

- Will exacerbate existing flooding issues ;
- Trees and shrubs should be retained as they contribute to the character of the area and alleviate noise from the M1;
- Impact to wildlife and biodiversity, especially due to removal of trees;

- Noise and pollution issues;
- Construction noise;
- How will the development promote sustainability and reduce energy consumption?;
- Impact to waste collection;
- Impact on sewage and wastewater ;
- Increase in air pollution, especially in proximity to the school;
- Impact and damage to protected trees;

Other:

- Reduction on property values [not a material planning consideration];
- Maintenance and safety of the new housing units;
- All properties surrounding the site are owned and not rented;
- Risk of anti-social behaviour;
- What are the commercial incentives for the Council and will there be a reduction in council tax;
- Bungalow has a history to the area;

Relevant Planning History

None relevant.

EXPLANATORY NOTE

The Site

The application site comprises 0.51 hectares and contains an existing bungalow known as Elms Farm which is located in a residential area in the north of Whetstone. The bungalow is set within a large plot in comparison to the surrounding residential development. The site has three vehicular access points, two that serve the bungalow and one that leads to an additional paddock area to the rear via a track along the northern boundary. Within this paddock area there are a number of outbuildings. There are also a number of small trees and shrubs on the site, including three protected trees adjacent to the southern boundary and a leylandii hedge along the western boundary.

To the west of the site is an employment/industrial area, otherwise the site is surrounded by residential development consisting of primarily two storey detached dwellings with front and rear gardens. There are a variety of designs to the dwellings although they are generally typical of late 20th century urban design with hipped or gable roofs, constructed in red brick and with tiled roofs. Ewan Close adjacent incorporates more traditional features such as chimneys, segmental arch lintels and timber porches.

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

- The site lies within the settlement boundary;
- There are three protected trees within the site (2 Atlas Cedars and 1 Field Maple);
- The site lies within a landfill buffer zone;

- The site lies within flood zone 1 (low risk of flooding);
- There are small pockets of medium and high-risk surface water drainage within the site;

The Proposal

The proposal seeks consent for the erection of 21 affordable dwellings and associated works, including the demolition of the existing bungalow and outbuildings. A new single vehicular access point will be created into the site from Springwell Lane which will include a turning head at the end.

The dwellings will be for a mix of shared ownership and affordable rent across the following range of housing types - 4 detached, 10 semi-detached, 6 terraced and 1 fly-over flat/maisonette. They will consist of 1 x 1-bed flat, 11 x 2-bed dwellings, 7 x 3-bed dwellings and 2 x 4-bed dwellings.

Each dwelling will have off-road car parking spaces for two cars. These will either be adjacent to the dwelling, in tandem or side-by-side arrangement or in a small car parking court area. Car parking court areas comprise a maximum of six car parking spaces grouped together.

Each property will have its own garden space, except for Plot 17 which is the fly-over one-bedroomed flat. There is a small amenity area surrounding the retained protected tree T1. Protected trees T2 and T3 will also be retained and will be located with the rear gardens to plots 4 and 2 respectively.

The site layout has been amended during the consideration of the application in order to reduce the number of dwellings in order to achieve a better standard of development. The scheme now proposes the four detached dwellings facing Springwell Lane, with semi-detached dwellings in the middle of the site and terraced dwellings at the end of the site, backing onto the employment site.

Supporting Documents

The original application has been submitted with the following supporting documentation:

- Sustainability appraisal (superseded)
- Noise impact assessment (superseded)
- Land contamination assessment
- Tree survey
- BNG metric calculation (superseded)
- Transport Statement (superseded)
- Planning statement
- Habitat and protected species survey
- Design and access statement

Amendments in December 2024:

The application has been amended during the course of the application to address a number of consultee concerns and also at Officer's request to reduce the density of the development and improve the relationship between the existing and proposed dwellings and the protected trees. As a result, the scheme has been reduced to 21 dwellings from 23 as originally submitted. A full set of new drawings has been submitted together with additional or amended reports as follows:

- BNG metric (amended)
- Transport Assessment (including Road Safety Audit)
- Drainage Strategy (updated on 21st January 2025)
- Noise Impact Assessment (amended)
- Arboricultural Impact Assessment (amended)
- Sustainability Statement (amended)

Additional Amendments to address Highways submitted in February 2025:

- Amended RSA
- Amended Transport Statement
- Amended proposed site layout
- Amended swept path drawings

Additional Amendments submitted in April 2025:

- Amended site layout plan showing speed control measures to meet adoption standards to address Highways comments regarding adoption
- Design alterations to Plot 17 to address officer's concerns regarding the design and bin storage arrangements for this plot.

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

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

Paragraph 10 of the NPPF and Policy CS1 and CS24 of the Blaby District Council Core Strategy (2013) set out a presumption in favour of sustainable development. Paragraph 12 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 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 there is a clear reason for refusal or the adverse impacts would significantly and demonstrably outweigh the benefits.

Blaby District Council published housing land supply position states that the Authority can demonstrate a 3.53 year housing land supply. This is notably less than the five-year supply requirement outlined in paragraph 78 of the NPPF. Following the publication of the revised NPPF in December 2024 and the Council's revised

housing numbers, the land housing land supply position is likely to have further reduced.

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. However in this case, there are assets of particular importance (as listed in footnote 7 of the NPPF) which provide a clear reason for refusing the application insofar as the site is an allocated Local Green Space as per Policy FV5 of the Fosse Villages Neighbourhood plan, therefore the tilted balance does not apply in this instance. This will be discussed in more detail elsewhere in this report.

Paragraph 106 of the NPPF notes that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

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 73 states (amongst other things) that small sized housing sites can make an important contribution to meeting the housing requirements of an area and that opportunities should be sought to support small site to come forward for self-build housing.

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.

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

Policy CS1 – Strategy for locating new development

Policy CS1 sets out the overall strategy for locating new development in the district. It states that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester, comprising the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva. Outside of the PUA, development will be focused within and adjoining Blaby and the settlements of Enderby, Narborough, Whetstone and Countesthorpe (the 'Larger Central Villages').

Policy CS2 – Design of new development

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

Policy CS5 – Housing distribution

Policy CS5 provides the minimum housing requirements for settlements across the District. The policy identified Whetstone 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.

In terms of completions and commitments, monitoring of the Core Strategy requirements shows the position at 31 March 2024 as follows:

Dwellings	Requirement	Total Completions & Commitments	Balance Required
Whetstone	365	613	-248
Non-PUA	2,990	3942	-952
District	8,740	6768	1974

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. On sites where 100% affordable housing is being provided by a Registered Provider consideration will be given to reducing or removing planning obligations.

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

Policy CS11 – Infrastructure, services and facilities to support growth

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

Policy 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 CS15 – open space, sport and recreation (updated in the Delivery DPD)

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

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 supports development which mitigates and adapts to climate change. It refers to focussing new development in the most sustainable locations, seeking site layout and sustainable design principles which reduce energy demand and increase efficiency, encouraging the use of renewable, low carbon and decentralised energy, and minimising vulnerability and providing resilience to climate change.

Policy CS22 – Flood risk management

Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. Among other measures the policy refers to managing surface water run-off to minimise the net increase in the amount of surface water discharged into the public sewer system.

Policy CS23 – Waste

Policy CS23 states that new developments should, inter alia, seek to encourage waste minimisation, ensure flexibility in design to allow for new technological

developments, ensure waste collection is considered in the design, and promote the use of site waste management plans.

Policy CS24 – Presumption in Favour of Sustainable Development

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

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

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, Page 25 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 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 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 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 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 Landscape and Settlement Character Assessment (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 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.

Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (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 (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 (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 (2014)

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

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

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

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

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

Planning Considerations:

This section considers the material planning considerations in further detail, and is divided into the following sections:

- The principle of the development and housing land supply
- Housing mix and affordable housing
- Design, layout and impact on the character of the area
- Access, highway safety and parking
- Residential amenity
- Drainage and flood risk
- Impact on protected trees
- Ecology and Biodiversity
- Archaeology and Heritage Assets
- Sustainability and Climate Change
- Contamination and Noise
- Waste
- S106 Heads of Terms

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

Policies CS1 and CS5 of the 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) (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe) however, provision is also made for the development needs of settlements outside the PUA.

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

As of March 31st 2024 a total of 2,826 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 585 homes per annum to be delivered in the PUA until the end of the plan period (total 2,924). Forecast completions in the PUA to 2029 are mainly less than half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.

Outside of the PUA, Core Strategy Policy CS1 states development will be focussed within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', as identified in the Housing Distribution Policy CS5, 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.

Policies CS1 and CS5 identify Whetstone as a 'Larger Central Village' (along with the settlements of Enderby, Narborough and Countesthorpe. Whetstone has a minimum housing requirement of 365 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement, 596 houses had been completed in Whetstone as of 31 March 2024, resulting in the minimum requirement having been exceeded by 231 dwellings. When taking into account allocations and permissions, a further 17 dwellings are envisaged, resulting in this number being slightly higher, at 248 houses due to some small sites having planning permission but not having been completed.

The application site is located within the settlement boundary of Whetstone, within an established urban area. Policy DM1 of the Blaby Delivery Local Plan seeks to permit proposals within settlement boundaries, providing they are acceptable in terms of design and amenity (discuss in the following sections). The site is currently occupied by a large, detached bungalow which has not been occupied for some time and is set within a large garden. Residential gardens are not considered to be previously developed land; therefore, this site comprises in the main, a redevelopment of a greenfield site. It is also known as a windfall site (i.e. one that

has come forward and is not specifically allocated for development). Consideration of its suitability for development should be considered in the context of the site's location and the existing housing need in the District.

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.

In any event, notwithstanding the Council's current lack of a 5-year housing land supply, the site's location within the settlement boundary of Whetstone and therefore an established urban area is acceptable in accordance with Policy DM1 of the Blaby Delivery Local Plan, which is still considered sufficiently up to date and it will also comply with the sustainable development objectives set out in the NPPF in Para. 11 and in this sense is still in accordance with the Development Plan.

Whilst Whetstone has already met its housing allocation, as set out above, as already mentioned, this is a minimum target and not a cap. Given the wider need for more housing in general facing the District and more nationally, housing proposed in a sustainable location, is acceptable, despite housing need in that specific area already being met. It should also be noted that the scheme proposed represents a 100% affordable housing site that is very rare to come forward (see additional subsection below).

It is acknowledged that, in providing additional housing in an area greater than that which may have been intended, would have potential for additional impacts to local services and facilities. However, to this end, the proposed development will provide several additional financial contributions towards schools, healthcare and other infrastructure as set out further within this report to ensure the development provides the infrastructure required to support it.

In considering all the issues, whilst it is accepted that Whetstone has already met its housing target, the proposal will significantly contribute to the housing land supply in the District when taken as a whole and provide for affordable housing needs. The site is within an established urban area where there is access to a range of facilities and services and is therefore a sustainable location for further development. The proposal will therefore accord with Policies CS1 and CS5 of the Core Strategy and Policy DM1 of the Blaby Delivery Local Plan.

Housing Mix and Affordable Housing

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. These policies are considered to be broadly in accordance with Para. 63 of the NPPF which states that the size, type and tenure of housing needed should reflect different groups including those who require affordable housing, including Social Rent. These Development Plan policies 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 Leicestershire Housing and Economic Needs Survey (June 2002) suggests a requirement for 536 additional affordable housing properties to be provided per annum until 2039. This has increased by 34% from the 399 recommended in the Blaby Housing Needs Survey from 2021 and highlights a worsening situation regarding housing supply in the Blaby area and the need to enable new affordable housing from all available opportunities.

As of August 2024, there were 839 live applications on the housing register. The most significant need is for two and three bedroom properties, both District-wide and in Whetstone. The supply of affordable housing is not meeting the demand with the average availability of social rented properties amounting to three per week. This results in long waiting lists for affordable housing, especially for four-bedroom dwellings. For those who turn to the private rental sector there is also a lack of supply on the market. As of September 2024, there were 44 properties to rent District-wide with only 5 of these in Whetstone. To compare the situation with other local authorities, the private rental sector for Blaby District is 315th out of 331 local authorities and the social rental sector is 323rd out of 331 local authorities.

Policy CS8 states that residential developments of 10 or more dwellings should provide an appropriate mix of housing type (house, flat, bungalow), tenure (owner occupied, rent, intermediate) and size (bedroom numbers) to meet the needs of existing and future households in the District, taking into account the latest Strategic Housing Market Assessment and other evidence of local need

This planning application proposes 100% affordable housing which will contribute significantly to the affordable housing stock. The greatest number will be for two and three bedroom dwellings, of which there will be 11 and seven respectively. There will also be a one-bedroom flat and two four bedroomed dwellings. The tenure will be a split between affordable rent and shared ownership which the majority being for affordable rent (precise percentage to be determined at the time the S106 is being finalised).

The mix is shown below:

House Type	Number	Bedrooms
A	11	2-bed
B	1	1-bed
C	2	3-bed
D	3	3-bed
E	1	3-bed
F	1	3-bed
G	2	4-bed

The Council's Strategic Housing Officer has been working with the applicant closely in order for the housing mix and tenures proposed to accurately reflect the housing needs of Blaby District. The proposed, as set out above, reflects this need, focusing more heavily on two and three bedroomed homes and has the support of the Strategic Housing officer.

Although affordable housing has been granted at other sites locally in the last few years (32 social rent and 17 shared ownership at Cambridge Road and 27 social rent, 39 shared ownership and 11 specialist/supported units at Henson Park), there are still currently 112 live applications on the housing register from people who live in Whetstone or who have family or work connections to Whetstone, with 33 of these being households in emergency housing (priority band) waiting to be housed. As such, whilst it is accepted that residents are correct insofar as other affordable housing has been granted recently at other sites in Whetstone, there is still a shortfall across the District and specific need in Whetstone.

Taking all matters into consideration, the significant need for affordable housing in the District and specifically Whetstone weighs heavily in support of the proposals. The application will provide for 21 additional affordable housing households to a mix that will specifically cater for the current need. As such, the proposal complies with the requirements of Policies CS7 and CS8 of the Core Strategy and the NPPF.

Layout and Impact on the Character of the Area and Design

Layout and Impact on the Character of the Area

The layout of the proposed development has been amended during the course of the consideration of the application. It was originally proposed to provide 23 dwellings on the site, but this resulted in significant issues regarding the pattern of development, highways and residential amenity. Officers met with the applicant to discuss amendments to the scheme and the request to reduce the density to overcome a number of issues. As a result, amendments were submitted in December 2024.

The amended layout reduced the scheme by two dwellings in order to overcome the issues that were of concern to officers and consultees. Whilst the scheme proposed is still a higher density than adjacent development, it nevertheless has addressed the concerns of officers regarding parking/highways and residential amenity (these matters are discussed more below).

With respect to concerns regarding the pattern of development, the neighbouring streets in this part of Whetstone are characterised by predominantly detached dwellings set within reasonable plots. Semi-detached dwellings and, in particular, terraced dwellings, are rare. Notwithstanding this, Grebe Way which is located to the south of Ewan Close, south of the application site, comprises almost entirely of semi-detached dwellings. There are also a few semi-detached properties opposite the application site on Browns Way.

The applicant has produced a document to compare the density of this development with the neighbouring Ewan Close development which has often been referred to by

local residents as being a better density. The applicant's "Coverage Plan" shows that the built form vs. remaining site area (access, gardens etc.), the proposed development results in a development coverage of 1,661.48 m² per hectare compared to 2,328.2 m² per hectare on Ewans Close. The applicant considered this demonstrates that the built form of the site is less than the neighbouring Ewan Close development.

However, whilst this is helpful, in planning terms the density is calculated based on the number of dwellings per hectare. For the proposed development this works out at 40.86 dwellings per hectare and the Ewan Close development is 21.37 dwellings per hectare. Whilst the actual built form might be less on the proposed development, it is acknowledged that the number of dwellings vs. site area is greater.

Notwithstanding the greater density on the proposed site, the density is still within reasonable amounts. Guidance on the number of dwellings per hectare is no longer included within the NPPF and instead the emphasis is on making efficient use of land to meet identified housing need. The NPPF (Para. 129) still requires this to take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of creating well-designed, attractive and healthy places. Para. 130 of the NPPF specifically requires planning decisions to avoid homes being built at low densities to ensure optimal use of the potential of each site. Part c) of Para. 130 also requires authorities to take a flexible approach to policies or guidance relating to day light and sun light where this may otherwise inhibit making efficient use of a site, as long as the resulting scheme would still provide acceptable living conditions.

Similarly, there are no specific policies in the Core Strategy Local Plan or Delivery Local Plan that set a specific density as being acceptable. Instead, Policy CS2 of the Core Strategy requires development to "...respect local character..." and "...demonstrate that they have taken account of local patterns of development...". The emphasis is on creating "High quality places..." with the application of "good design principles". Policy DM1 b) of the Blaby Delivery Local Plan requires developments to "Be in keeping with the character and appearance of the area" with part c) seeking to ensure that a development does "Not result in the overdevelopment of the site due to factors including footprint, scale and massing".

Set against this policy context, the proposed amended layout for 21 dwellings is considered by officers to be in keeping with the prevailing character of the area. It is acknowledged that it is at a higher density, but this density is not considered to be so significant as to impact on the character and appearance of the area or result in other detrimental effects.

The proposed development has sought to create a transition between the existing housing and the site by providing four detached dwellings fronting directly onto Springwell Lane, to maintain the established character here with dwellings having their own direct access from Springwell Lane. This will provide continuity with existing development on Springwell Lane. The dwellings will also be positioned in line with No. 54 Springwell Lane to maintain the same front building line. The density of the development then gets higher further into the site, with the semi-detached

dwellings located within the middle of the site and the terraced dwellings located to the furthest end and backing onto the commercial development to the rear.

The development also incorporates a small amenity area in the middle of the site around one of the protected trees (T1) which is to be retained. This will provide a small area of amenity within the development and enables for a more open aspect adjacent to Ewan Close.

It is accepted that the density of the development is somewhat higher than the immediate streets, however the applicants have demonstrated that this can still work. The amended design is, in the view of officers, now more in keeping with the prevailing character of the area, with all detrimental effects removed. There are examples of other streets with different house types in the local area and whilst detached dwellings are more prevalent, this is not to the complete exclusion of all others in this part of Whetstone. Given the significant need for an increase in affordable housing in the District and the lack of a 5-year housing supply at this time, the benefits of the proposal will outweigh the slightly higher density in this location.

Design

As part of the layout being amended and the housing numbers being reduced, the design of the proposed dwellings has been altered accordingly.

This part of Whetstone, being developed with new housing at different times by different house builders, has a variety of forms and materials although these are all rooted in late 20th century urban design. Existing dwellings have a variety of roof forms, some with projecting front gables, some side gables and others with hipped or half hipped roofs. Materials are predominately red brick but there are some yellow/multi bricks and some rendering and timber panelling to the front elevations. Fenestration is typically proportioned to the housing and comprises casements or top-hung opening windows. Chimneys are not characteristic, albeit Ewan Close has been designed to a more traditional appearance and incorporates chimneys, segmental arched lintels and timber porches, but this is the exception rather than the norm.

The external appearance of the proposed dwellings will fit within the established design of the wider area. The dwellings will be constructed in red brick with some contrasting red brick detailing. The roofs will be interlocking concrete plain tiles and windows and doors will be UPVC and composite. Front canopies will be timber with roof tiles to match the main roofs. The proportions of the dwellings are more akin to sub-urban dwellings with deeper plan depths, but this is typical of the area. A number of the dwellings will incorporate chimney detailing and windows will be casements with brick soldier courses to the lintels.

The amended layout now shows one fly-over flat (Plot 17) above an access way to car parking to the rear. Whilst this is the only house type of its type, it is in keeping with the context of the rest of the development and is acceptable. Plots 7 and 8 will also feature a unique pair of dwellings, which have been positioned on an angle to address residential amenity concerns. Whilst these will look slightly different to the

rest of the development, these are positioned at the rear of the site and their external appearance will match the remainder of the development.

For schemes of over 20 dwellings, Policy DM11 requires proposals to meet the Building Regulations Standard M4(2) for 5% of the dwellings unless there are site specific factors that prevent this or that there are viability issues with including this. The applicant has confirmed that Plot 3 (3-bed) will meet this standard.

The proposal provides suitable natural surveillance as part of the development and car parking areas are small and overlooked by habitable windows. Boundary treatments will be considered by condition but will not create any adverse issues in terms of crime prevention.

The design and layout of the development will therefore be able to integrate well within the existing context and will accord with Policies CS2 of the Core Strategy and DM1 of the Delivery Local Plan and the objectives set out in the NPPF with respect to making efficient use of land.

Access, Highway Safety and Parking

The application proposes to create a new access into the site with the closure of the existing access locations. Plots 1 and 2 and 20 and 21 will have their own private driveways direct from Springwell Lane, with the remainder of the development being accessed from the new estate road which will be built to adopted standards. Each dwelling will have two car parking spaces, either located adjacent to the dwelling to which they serve or in close proximity. Ten of the dwellings will have tandem car parking and the remaining 11 dwellings will have side-by-side parking. There are four small groups of parking throughout the site, with no more than six car parking spaces in any group.

The application has been submitted with a Transport Statement and Stage 1 Road Safety Audit, together with refuse and fire vehicle tracking plans. The Local Highway Authority has assessed these documents, following revisions and amendments.

The site access is considered to be suitable for the proposed development and the Road Safety Audit has not identified any safety problems. The access road will meet adopted standards and is intended to be adopted. The road will incorporate speed control measures (raised tables) to ensure it complies with the Leicestershire Highways Design Guide. An uncontrolled pedestrian crossing (tactile paving) has been provided at the site entrance. Two-metre wide footways are now provided on both sides of the site access. The trip generation is not considered to be significant, and it is not anticipated that this proposal will result in a significant increase in congestion.

Swept path analysis drawings have been provided and these demonstrate that the site access is suitable for refuse vehicles and fire appliances that may enter the site and that there is also sufficient turning space within the site.

With regards to car parking, the Local Highway Authority would require Plots 1 and 2 (Type G 4-bedroom dwellings) to have three car parking spaces as set out in the

Leicestershire Highways Design Guide. However, there is insufficient space for these to be provided without resulting in triple tandem parking arrangements and the loss of rear garden space. As a result, the car parking for these two properties has been kept to two spaces. Although the dwellings could be reduced to three-bedroomed dwellings, as advised by colleagues in Housing Strategy, there is a strong affordable housing need for four-bedroomed dwellings and therefore it is preferable for these dwellings to be retained as four-bedroomed properties. It is acknowledged that this may result in some overspill parking onto Springwell Lane and that this would be opposite Browns Way. Whilst this is not ideal, as noted by the Local Highway Authority, Springwell Lane is not considered to be a highly trafficked road and Browns Way only serves a small number of dwellings and has adequate visibility splays, therefore this is not considered a significant issue to warrant refusal of the application and on balance the retention of the four-bedroomed dwellings is considered to outweigh any overspill car parking on Springwell Lane.

The application site is located within close proximity to other sustainable modes of transport, including bus, cycling and walking and also train services and so is within a sustainable location.

Financial contributions will be sought from the applicant for Travel packs for each dwelling to encourage use of other sustainable modes of transport in the local area and the provision of two sixth-month bus passes (see S106 section below for more detail). Conditions are also requested in relation to the provision of the access in accordance with the approved plans and a construction traffic management plan to ensure that there is no deleterious material deposited on the highway and creating a hazard for road user and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

With the conditions and financial contributions in place, the proposal will comply with Policy CS10 of the Core Strategy and DM8 of the Blaby Delivery Local Plan as well as the NPPF.

Residential Amenity

The proposed development, as amended, has now addressed a number of initial concerns that officers had with the original layout. The separation distances are now much improved between the proposed dwellings and the existing neighbouring properties.

The relationship between Plot 7 and No 8 Ewan Close has been amended to ensure that the proposed dwellings are not as close and there is no direct overlooking. Although the dwellings are still relatively close, they have been inset from the boundary and orientated so that main windows face across Ewan Close, rather than directly over No. 8. The only windows at first floor level that will directly overlook the front of No. 8 Ewan Close will be serving non-habitable spaces and so the windows here can be conditioned to be obscure glazed.

The separation distance between the proposed dwellings and No.'s 1-3 Alice Gardens adjacent to the northern boundary of the site are now much more appropriate. The separation distance between Plot 12 and No. 3 Alice Gardens is

now approximately 23m, the separation distance between Plots 13 and 14 and No. 2 Alice Gardens is approximately 24m and the separation distance between Plots 15 and 16 and No. 1 Alice Gardens is approximately 13.5m. Although this latter distance is less, it is the side elevation of No. 1 Alice Gardens that backs onto the application site and this separation distance is an acceptable relationship between principal and side elevations. There are also good separation distances between the proposed dwellings and the remaining properties on Ewan Close. There is also sufficient separation between each of the proposed dwellings to protect future occupiers.

As a result, the proposal is considered to be acceptable in terms of residential amenity and will not result in a loss of privacy or daylight/sunlight. The proposal will therefore comply with Policies CS2, CS24 of the Core Strategy and DM1 of the Blaby Delivery Local Plan.

Drainage and Flood Risk

The application has been submitted with a Drainage Strategy to support the development. The site lies in Flood Zone 1 at low risk of fluvial flooding. The site also lies largely in an area of very low risk of surface water flooding, but due to some pockets in the topography of the site, there are some areas of the site shown to be in a medium and high risk of surface water flooding.

In accordance with the NPPF, a FRA is required to be submitted where there is the potential for flooding from any source, which includes surface water. As a result, the proposal has required the submission of an FRA and a Sequential Test assessment.

The Sequential Test is to see if there are any other available sites within the vicinity that could cater for the development that are at a lower risk of flooding. The applicant has provided a Sequential Test with the application which has considered other comparable sites local to Whetstone. Seven other sites in and around Blaby were considered in the Sequential Test, together with a review of current planning applications on the register and other potential options on the open market. The assessment has concluded that there are no other comparable sites that are more favourable than the application site. Although the Sequential Test has concluded that there are no lower-risk sites suitable for the proposed development, the Exception Test is not required, according to the advice contained within the National Planning Policy Guidance (NPPG), as the proposal relates to more vulnerable development in flood zone 1.

The FRA and Drainage Strategy has been reviewed by the Lead Local Flood Authority (LLFA). The hierarchy for sustainable drainage is firstly to discharge via infiltration and then secondly via discharge to a watercourse. In this case, these first two options are not feasible as due to the geology (stiff clay and weak mudstone) infiltration is not possible and there are no nearby watercourses.

Therefore, to ensure that the development does not worsen flooding elsewhere due to surface water flooding, the proposal will attenuate surface water in oversized pipes in conjunction with cellular storage which will connect to the existing surface water sewer at a discharge rate of 13.6 l/s. This rate has been agreed with the

LLFA. The surface water system will provide sufficient attenuation for the 1 in 100 year plus 40% climate change event and 10% urban creep allowance to prevent flooding occurring within the site post development and reduce the risk to adjacent properties. Whilst the NPPF says that brownfield sites should discharge as close to reasonably possible to greenfield runoff rates it is recognised that constraints on site area limit the scope for above ground SuDS. The betterment provided on the existing scenario is therefore deemed acceptable.

The Drainage Strategy was amended to ensure that more of the hard surfacing was permeable in private driveways to ensure that a sufficient amount of surface water would be able to drain into the cellular storage areas which the LLFA is now satisfied with. The SuDS will be managed by a private maintenance company. The finish floor levels of the dwellings will also be set a minimum of 150mm above the surrounding external levels.

In respect of foul drainage, this will connect to the existing foul water sewer via new onsite pipework which will be offered for adoption by a sewerage undertaker.

The proposed Drainage Strategy is therefore considered to be acceptable. Conditions will be imposed in relation to the submission of a surface water drainage scheme, surface water details during construction and the long-term management and maintenance of the surface water system. With these conditions imposed, the proposal will comply with Policies CS21 and CS22 of the Core Strategy.

Impact on Protected Trees

The application site currently has 9 individual trees (comprising atlas cedar, field maple, magnolia, holly and eucalyptus) and 1 leylandii hedgerow, three of the trees are considered to be category A trees and are subject to tree preservation orders.

There are also a number of other trees within the site, but these are category C trees and are not proposed to be retained. The leylandii hedge at the rear of the site will also be removed.

The amended layout ensures that the root protection areas of the trees will not be affected by the development. Tree T1 will be located in a small area of open space which will create a focal point area within the development. It will also provide some screening of the development site from some of the housing in Ewan Close and provide a softening to the development. Trees T2 and T3 will be located in private rear garden areas (Plots 4 and 2 respectively). The housing has been positioned further away from these dwellings so that the houses still have sufficient day light/sun light whilst allowing for the trees to still grow to maturity. By providing this additional space at the rear of the dwellings, it will reduce the potential pressure for the trees to be requested to be removed in the future on amenity grounds.

The County Council Tree Officer has commented on the amended proposals and is satisfied that that the positioning of the dwellings will not now harm the protected trees. Conditions are recommended for tree protection and an arboricultural method statement to be submitted.

In terms of new landscaping, the proposed layout plan shows how front and rear gardens will be laid to grass and new planting will be proposed outside the four new dwellings that will front Springwell Lane (Plots 1, 2, 20 and 21) with new planting outside the frontage of Plot 7. A condition will be imposed for more details in relation to the soft landscaping details to be submitted and approved.

With the conditions imposed, it is considered that the development will comply with Policies CS2 and CS14 of the Core Strategy and DM1 of the Blaby Delivery Local Plan and the NPPF.

Ecology and Biodiversity

Although this is a major application which will result in some loss of biodiversity on the site, the application was submitted prior to the Biodiversity Net Gain regulations coming into force on 12th February 2024. Therefore, the application is not required to provide 10% BNG on or off-site to comply with the regulations. That said, a BNG metric has been submitted with the application which shows that a small net gain can be achieved. Some existing landscaping will be retained in the form of the protected trees and new soft landscaping and planting is proposed and will be conditioned.

The site is not subject to any statutory or non-statutory nature conservation designation. In relation to protected species, a Habitat and Protected Species Survey has been submitted with the application which has been reviewed by the County Ecologist. The habitats within the site have the potential to support small mammals such as hedgehog along with breeding birds, amphibians, reptiles and community bats and invertebrates. Suitable measures should be put in place prior to and throughout the construction phase to protect these species and this can be secured by a planning condition for a Construction Ecological Management Plan (CEMP) to be submitted together with a Reasonable Avoidance Measures Statement (RAMs). The proposal is not considered to cause any impact on protected species, specifically bats, however it is recommended that a condition is imposed to secure permanent features for nesting birds, roosting bats and hedgehogs within boundary features which can be secured by a Landscape and Ecological Management Plan condition detailing the type, quantity and location of each feature and habitat type.

With suitable conditions imposed, the proposal will comply with Policy CS2 and CS19 of the Core Strategy and the NPPF.

Archaeology and Heritage Assets

There are no designated or non-designated heritage assets located in close proximity to the application site that may be affected by the development. Although there are some older warehouse/industrial buildings to the rear of the site, these are not considered worthy of non-designated status as a heritage asset. The County Council's Archaeologist has commented on the application and advises that the proposal will not cause any direct or indirect impact on any known or potential archaeological assets at the site.

As a result, the proposal accords with Policy CS20 of the Core Strategy, Policy DM12 of the Blaby Delivery Local Plan and the NPPF.

Sustainability and Climate Change

The application has been submitted with a Sustainability Statement. The intention is for the dwellings to feature a fabric-first approach providing energy efficient building services and renewable energy generation. The dwellings have been designed so that glazing is strategically placed to maximise passive solar gains. The dwellings will have a highly insulated envelope which will provide up to 39% increase on building regulation values. The scheme proposed to use energy efficient gas fired boilers with wastewater heat recovery to reduce hot water heating demand.

It is also intended for the dwellings to provide roof mounted photovoltaic panels for renewable electricity which will provide 27.22% on-site renewable energy generation. External water butts are proposed to be used for garden irrigation.

The annual carbon emissions are predicted to be reduced by 3.97% when compared with the new Part L 1 2021 of the Building Regulations.

As a result, the proposal is considered to comply with Policy CS21 of the Core Strategy and the sustainability objectives set out in the NPPF.

Contamination and Noise

The application has been submitted with a land contamination assessment report which concludes that a Phase II intrusive investigation will be required. The Council's Environmental Services have commented on the application and are satisfied with the report subject to conditions relating to intrusive investigation, remediation and verification.

A Noise Impact Assessment (NIA) has also been submitted with the application. This concludes that the site is dominated by noise from the M1 motorway but that overall noise levels at the site are not high and industrial noise is not dominant. Noise levels are even lower when wind direction is not from the M1. No mitigation is considered to be required, but an acoustic screen is recommended at the rear of the site between Plots 7-11 and the adjacent industrial site to account for possible variations in industrial activity. Standard thermal double glazing and direct path direct vents will be sufficient to ensure suitable internal noise levels with windows closed and trickle vents open. During the daytime, ambient noise levels are such that the use of opening windows as a primary means of mitigating overheating is not likely to result in any adverse effects. At nighttime, under certain wind conditions, night-time noise levels are marginally above the threshold (2dB) and therefore further assessment may be required in relation to some elevations of dwellings in order to comply with Part O of the Building Regulations. However, no further information is required as part of the planning application. The Council's Environmental Services Officer has considered the NIA and finds it acceptable. The development should be carried out in accordance with the noise mitigation measures set out in the NIA.

The proposal will therefore comply with Policy DM13 of the Blaby Delivery Local Plan and the NPPF.

Waste

Refuse storage is provided within each of the dwellings garden areas. Plot 17 is the only property that does not have dedicated garden space, but there is space underneath and to the rear of this property within the rear courtyard for bins to be located.

Swept path analysis has adequately demonstrated that refuse vehicles will be able to safely enter the site and turning within the site so that bins can be collected from the kerbside within the application site. A financial contribution will be sought for wheeled refuse bins and towards the cost of maintaining the Household and Waste Recycling Centre (see below).

As a result, the proposal will provide appropriate storage and collection facilities at the site and will comply with Policy CS23 of the Core Strategy and the NPPF.

S106 Heads of Terms

The following S106 contributions will be provided in relation to this development. Given the size of the site and number of dwellings, with the exception of the on-site affordable housing, all other contributions will be a financial contribution towards off-site provision. All are considered to comply with the three statutory tests set out in the Community Infrastructure Levy Regulations 2010 and are in accordance with Policies CS11 and CS12 of the Core Strategy and the Council's SPD on Planning Obligations and Developer Contributions 2024.

Affordable Housing

The scheme is for 100% affordable housing to be provided. The tenure will be a mix of social rent and shared ownership with the majority being social rent. Ideally the split would be 80% social rent and 20% shared ownership, but this will be agreed with the developer during the writing of the S106 agreement.

NHS

The site would result in 50.82 additional patients and therefore the funding figure requested has been revised to £16,262.40 to go towards increasing capacity at existing GP surgeries. The funding would be allocated to any named GP surgeries or alternative primary/community healthcare infrastructure that would be directly impacted due to the development and population increase.

Education

Primary:

This development will yield 7 primary aged children; however, no contribution is required for primary education because there is capacity at Badgerbrook Primary School. The school has a net capacity of 420 places and taking into account other local schools, if this development goes ahead there will be a surplus of 209 places.

Secondary:

This development will yield 4 11-16 aged children. Thomas Estley Community College has a net capacity of 900 and there will be a deficit of 6 places if this development goes ahead. Funding is therefore required towards secondary education (Thomas Estley Community College) of £62,691.13 (calculated as the number of deficit places as a result of this development).

Post-16:

No contribution is required towards post-16 education as this development will yield 1 post-16 aged child and Countesthorpe Academy has sufficient capacity.

Special Education and Disabilities (SEND):

No SEND contribution is required as this is only required for sites of over 100 houses.

Open Space

Development proposal of 20 or more dwellings should provide Informal Open Space on site. Allotments, parks and recreation, children's play and natural green space should all be a contribution in lieu of on-site provision. This is calculated on the amount per dwelling depending upon occupancy of the dwelling, which is calculated on the basis of an amount for each typology per 1000 population.

In terms of Informal Open Space, based on the figures in the SPD, this site should provide 439m² on site provision. However, only just under half of this is able to be provided on this site (211.44m²) in the location on the protected tree (T1) in the middle of the site. Therefore, the remaining 227.56m² would need to be provided as a financial contribution in lieu of on-site amounting to a cost* of £4,369.15*.

The other typologies would need to provide financial contributions in lieu of the following amounts:

Typology	Amount in m²	Cost*
Allotments	109.75	£4,102.46*
Parks and Recreation	100.97	£8,931.81*
Children's Play (LAP)	25.26	£6,849.75*
Natural Green Space	1,141.4	£14,826.79*
Informal Open Space (deficit)	227.56	£4369.15
TOTAL		£39,079.96*

*Note – the costs set out above are subject to change as these are currently draft figures that have not yet been finalised.

Cemeteries

In Whetstone there is an existing burial ground located within a 15 minute walk of the site. There is no clear evidence at this stage that there is a need for additional burial space and from an open space point of view the requirement (as specified in policy

CS15) is very small. On this basis, there is no request for a contribution for cemeteries and churchyards.

Sports Pitches

Sports pitch provision is not required as this is only required for sites of over 100 dwellings.

Community Halls

There has been no request for any funding for new or existing community halls in the area. There is considered to be sufficient provision in the nearby community centres of Cosby Village Hall, Countesthorpe Village Hall, Blaby and Glen Parva Community Service and Blaby and District Social Centre. In the absence of any specific identified need, no funding provision has been requested for community facilities.

Waste

The proposal will require a contribution of £501.27 to go towards the cost of maintaining the Whetstone Household and Waste Recycling Centre (HWRC) or any other HWRC directly impacted by this development. Provision of wheeled refuse bins of £49 per dwelling (£1.029 in total) would also be required.

Libraries

A libraries contribution of £634.15 (based on assumed occupancy of 63 people) for contributions towards provision of additional stock to Cosby library.

Monitoring Fees

County Council monitoring fees are £300 or 5% for each planning obligation, depending on which is the greater.

Blaby District Council monitoring fees are £360 or 5% for each planning obligation, depending on which is the greater.

Overall Planning Balance and Conclusion

In summary, the application proposes the provision of 21 new affordable homes comprising a mix of shared ownership and affordable rent in a sustainable location in Whetstone. Although the Council cannot currently demonstrate a 5-year housing land supply, this proposal is consistent with Policy DM1 of the Delivery Local Plan as it proposes new development within the settlement boundary. The proposal will contribute to the 5-year housing land supply and more specifically will cater for affordable housing needs in Whetstone and the wider District.

The proposal, whilst providing a slightly higher density of development than adjacent housing, is not so high that it will be out of character with the area. The site makes efficient use of land and demonstrates that there will be no harm to residential amenity or highway safety and will also adequately ensure the retention of the

protected trees. The provision of much needed affordable housing weighs significantly in favour of the development and therefore, on balance, the density of the development in this location is considered to be acceptable.

The proposal demonstrates that suitable drainage can be provided at the site and that there will not be any harm to protected species or archaeology. The dwellings will be energy efficient as an integral part of their design and will incorporate noise mitigation in the site. Contamination will be dealt with via appropriate planning conditions and the road will be adopted and so will enable suitable refuse collection.

Appropriate conditions will be imposed and the applicant will contribute towards a number of infrastructure projects in order to support the development including funding towards schools and healthcare.

Based on the above considerations, it is considered that the proposal is acceptable in planning terms and therefore the recommendation is to approve the application subject to the imposition of conditions and signing of a Section 106 to secure the infrastructure measures outlined in this report.

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

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

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

Unit 3 Fosse Park West, Grove Way, Enderby

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

RECOMMENDATION:

**THAT APPLICATION 24/0117/VAR BE APPROVED SUBJECT TO THE
APPLICANT ENTERING INTO A DEED OF VARIATION TO THE SECTION 106
AGREEMENT ASSOCIATED WITH PLANNING PERMISSION 15/0577/FUL,**

AND SUBJECT TO THE CONDITIONS SET OUT BELOW.

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

NOTES TO COMMITTEE

This planning application has been brought back to the Planning Committee to be reconsidered by Members following the resolution to grant planning permission made at the previous meeting on 3rd October 2024.

Since that previous meeting, and whilst the Deed of Variation was being drafted, a representation was received on behalf of the owners of Highcross Leicester (who had not previously objected to the planning application). The objection raised the following concerns in relation planning application 24/0117/VAR:

- That the owner of Highcross Leicester was not aware of the planning application at the time of the original consultation;
- That the identity of the proposed retailers should not have been a relevant consideration when applying the sequential test;
- That the two units being created should have been considered in isolation of one another for the purposes of applying the sequential test.

These above matters are discussed in further detail later in this report in the additional section entitled 'Highcross Leicester objection'.

Following the Highcross Leicester objection, the applicant's agent has provided a response (23 January 2025), seeking to demonstrate that its approach to the sequential test was justified. The objector has also provided a Counsel Opinion (21 January 2025) addressing further the points raised in the objection, and a Supplementary Counsel Opinion (17 April 2025) following the agent's 23 January response.

Given the intervening time period since the application was previously considered at Planning Committee, the agent has also provided update to the sequential test (24 April 2025) to provide an up-to-date position on the availability and suitability of sequentially preferable units in higher order retail centres. This reaffirms that there are no sequentially preferable alternative units within the agreed search area to contain the entirety of the development which are suitable and available, based on an assessment of units measuring between 400 and 500 square metres.

The application is being brought back to Planning Committee for Members to be given the opportunity to reconsider their previous decision in light of the objection from Highcross Leicester and the further information submitted.

Relevant Planning Policy

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

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS10 – Transport Infrastructure

Policy CS13 – Retailing and other Town Centre Units

Policy CS24 – Presumption in favour of sustainable development

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

Policy DM1 – Development within Settlement Boundaries
Policy DM8 – Local Parking and Highway Design Standards

National Planning Policy Framework (NPPF) 2024

National Planning Practice Guidance

Consultations

Blaby Parish Council – No comments.

Braunstone Town Council – No comments.

Enderby Parish Council - No objection.

Glen Parva Parish Council – No comments.

Harborough District Council – No comments.

Hinckley and Bosworth Borough Council – No objection.

Highways England – No objection.

Leicester City Council – Comments included in full below:

Proposed development

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

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

Subdivision of Unit 3

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

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

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

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

15/0577/Ful planning permission: Condition 4

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

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

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

Reasons for the condition

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

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

Proposed wording of condition

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

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

square meters and 216 square meters respectively and no more than 4 units shall have a ground floor gross internal area of less than 929 sqm.”

Retail Impact Assessment

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

Sequential Assessment

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

In Summary

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

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

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

Narborough Parish Council – No comments.

Oadby and Wigston Borough Council – No comments.

Third Party Representations

Williams Gallagher (an independent town planning consultancy) has submitted an objection to the application on behalf of the owners of Highcross Leicester. The objection letter was received on 21st November 2024 (after the previous resolution to approve), with the following issues raised:

- Concerns that certain applications, including the current application are serving to 'chip away' at the various controls imposed on Fosse Park to reduce its impact on centres such as Leicester.
- Such applications serve to further enhance the attractiveness of Fosse Park to the detriment of allocated centres
- Lush is identified as a proposed occupier, which currently trades from Fosse Park, with no guarantee it will not look to relocate to Fosse Park as opposed to trading from both locations. Other proposed occupier is Rituals which would be a welcome addition to Highcross.
- It falls to the robustness of the sequential assessment to ensure that the proposal does not undermine the original reason for condition 4 of 15/0577/FUL (which limits the minimum floor space of units).
- A sequential test was eventually submitted with the applicant and was considered by Officers to have been passed.
- The owners of Highcross Leicester were not aware of the application proposal during the original consultation period as it did not appear on monthly searches of the public access system – it is claimed this is due to the substantial passing of time being the application being submitted and validated.
- No evidence was put forward that Lush was committed to the newly subdivided unit – significant as this was put forward in the sequential test that Lush would not wish to locate another store in Leicester City Centre due to already having a store there – an alternative occupier could take up the unit, which could otherwise be accommodated by Highcross.
- The sequential test assesses alternative units on the basis of the total floorspace (assessing units between 400 and 500 sq m, with sites 10% smaller and larger considered too). However, the objector suggests the units should be considered in isolation of one another for the purposes of applying the sequential test (i.e. assessing sites between 200 and 300 sq m).
- The objector identifies 8 units of this size with Highcross between 200 and 300 sq m which are suitable and available, and two units just over 500 sq m which have potential for subdivision and therefore argues that the proposed subdivided units could be accommodated at Highcross, and that there are probably locations elsewhere in Leicester City Centre capable of accommodating the proposal. Suggests the conclusion that the application passes the sequential test is null and void.
- Objector refers to NPPF which states that applicants should demonstrate flexibility on issues such as format and scale.
- Objector refers to High Court decision in Aldergate Properties Ltd v Mansfield District Council (2016) which demonstrates that the identity of a retailer is not relevant when applying the sequential test.
- Objector requests that Blaby District Council revisits its decision to resolve to grant planning permission, given the decision has not yet been issued.

Relevant Planning History

15/0577/FUL - Demolition of existing buildings and erection of a non-food shopping park (Class A1) and complementary A3 uses together with access and servicing arrangements, car parking and landscaping and associated works including closure

of Everard Way to create new pedestrian link into Fosse Shopping Park – Approved 21 February 2017.

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

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

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

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

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

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

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

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

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

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

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

EXPLANATORY NOTE

The Site

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

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

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

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

The strict controls over the size of the units was to ensure that those in the retail terrace continued to be in line with the large retail units which are a feature of such retail parks and had been considered in the original application. Condition 4 was intended to prevent an increase in smaller units within the proposed development than had been assessed as part of the application whilst allowing flexibility in the specific size of each unit. This reflected the sequential based approach to retail development, as set out in the National Planning Policy Framework and Policy CS13 of the Blaby District Local Plan (Core Strategy) Development Plan Document, whereby retail development should be directed towards the existing higher order

retail centres, and only where there are no suitable and available sites in town centres should edge of centre or out of centre locations be considered.

The Proposal

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

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

Condition 4

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

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

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

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

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

Condition 2

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

the changes to Unit 3 (formerly referred to as Unit 11) only to reflect the amended plans.

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

Section 73 application

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

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

Environmental Impact Assessment

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

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

The Planning Practice Guidance advises that a Section 73 application is considered to be a new application for planning permission under the Environmental Impact Assessment Regulations, and that where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the

Regulations. It states that whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a Section 73 application for an EIA development.

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

Deed of Variation

The original planning permission granted in 15/0577/FUL was issued alongside a Section 106 agreement which secured the following:

- A contribution to Leicestershire County Council towards highway and transportation measures;
- A contribution to Leicestershire County Council towards provision of a Sustainable Travel Strategy;
- A contribution towards the monitoring of nitrogen dioxide emissions
- Anchor unit 'keep open' provisions for Units 1 and 2 – to require Leicester City Centre stores to continue to operate for 5 years.
- A contribution to Leicester City Council towards measures to mitigate the retail impact on Leicester City Centre.
- A contribution to Leicester City Council towards a 3 year package to develop and implement a skills strategy.

The original Section 106 did not include a clause that would bind any future permissions under Section 73 under the terms of the Section 106. As such, a Deed of Variation is required in order to bind the new permission to the clauses above insofar as they are still relevant.

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.

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

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

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

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

- Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- Paragraph 94 introduces the 'impact assessment'. This requires local planning authorities to require an impact assessment for retail development

outside of town centres (or not in accordance with an up-to-date plan) if the development is over a proportionate, locally set threshold (or over 2,500 sq metres of gross floorspace if no threshold is set). This should include assessment of the impact on planned public and private investment in centres in the catchment area and the impact on town centre vitality and viability.

- Paragraph 95 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact in one or more of the considerations in paragraph 94, it should be refused.

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

Policy CS1 – Strategy for locating new development

Policy CS1 sets out the overall strategy for locating new development in the district. It states that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester, comprising the 'built-up' areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva.

Policy CS2 – Design of new development

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

Policy CS10 – Transport infrastructure

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

Policy CS13 – Retailing and Other Town Centre Uses

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

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

- City Centre – Leicester City Centre
- Town Centres – Blaby, Beaumont Leys, Hinckley, Wigston, Market Harborough, Lutterworth

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

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

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

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

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

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

Policy CS24 – Presumption in Favour of Sustainable Development

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

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

Policy DM1 - Development within the settlement boundaries

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

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

Policy DM8 – Local Parking and Highway Design Standards

Seeks to provide an appropriate level of parking provision which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport.

Leicestershire Highways Design Guide

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

Planning Considerations:

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

- Retail policy summary
- Background to the Fosse Park West permission and the floor space restrictions
- Leicester City Council objection
- Sequential assessment (August 2024)

- Objection on behalf of owners of Highcross Leicester
- Updated Sequential assessment (April 2025)
- Proposed occupiers
- Impact assessment
- Other alterations including elevational changes
- Overall planning balance and conclusion

Retail policy summary

The above policy section sets out both the national and local policy position in relation to retail development. However, for clarity, the overall strategy, in both national and local policy is a 'town centre first' approach, whereby retail development in existing town centres is given priority over edge or out of centre locations. Blaby District Council's Local Plan identifies the 'Motorways Retail Area' (including Fosse Park) as an out-of-centre location as it is not located at the heart of an existing settlement, and it therefore sits at the bottom of the retail hierarchy.

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

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

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

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

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

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

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

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

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

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

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

Leicester City Council objection

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

avoidance of doubt, the Leicester City Council objection was submitted prior to the applicant carrying out a full sequential test. The city council were reconsulted following the submission of the sequential test, but did not respond further.

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

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

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

With regards to the retail impact assessment, the city council comments that the application only relates to a floorspace of 563 square metres and so an impact assessment is not necessary (Note – the floorspace of the two units is actually less than 563 square metres).

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

As noted above, Leicester City Council were given the opportunity to comment following the submission of the sequential test but did not provide any further response.

Sequential assessment (August 2024)

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

The Planning Statement also commented that Unit 3 has been marketed on a continuous basis by the applicant since 2018 with no realistic commercially viable interest from any retailers. The statement also commented that the proposals would

facilitate the occupation by two identified occupiers, Rituals and Lush and so was not speculative. It commented that Lush already have a store in Leicester City Centre and the proposed store would operate in addition to this. Rituals do not currently have a store in Leicester City Centre or the wider region but considered that Fosse Park was the only location that they would consider for their first store in the area. Matters relating to the intended occupiers of the units are, however, not a material planning consideration.

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

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

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

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

Objection on behalf of owners of Highcross Leicester

Since the original Planning Committee resolution to approve the application on 3rd October 2024, an objection has been received on behalf of the owners of Highcross Leicester, a shopping centre within Leicester City Centre. The objections are summarised in the 'third party representations' section earlier in the report. However, the main concerns raised relate to the application of the sequential test. Firstly, that in following the NPPF paragraph 92 requirement to 'demonstrate flexibility on issues such as format and scale', the applicant should have considered opportunities in higher order retail centres (such as Leicester City Centre) which could accommodate the two units in their disaggregated form (i.e. physically separate) units, and not just units that could accommodate the two units together (by subdividing an existing store). Secondly, that the applicant referred in the sequential test to Lush (one of the intended retailers) already having a store in Leicester City Centre as a reason for dismissing a number of Leicester city sites, arguing that it would not be commercially viable to operate a second store within the city centre.

The applicant has submitted a statement (23 January 2025) providing a response to the objections made on behalf of the owners of Highcross Leicester, arguing that the NPPF and PPG is not prescriptive about how the sequential test should be undertaken. It also refers to alternative sites as needing to be suitable for the development proposed as a whole, and that one unit cannot and will not be created without the other. The statement also provides a response to the Highcross view that there are two units greater than 400 sq m which could accommodate the full proposal and offer the potential for subdivision. One of the units is considered to not lend itself to subdivision and is under offer. The other unit is understood to have interest in being let as a whole.

The owners of Highcross Leicester have also sought Counsel Opinion on the matter. An initial Counsel Opinion was provided which raised concerns that there were two places where the approach taken in the application and the Council's previous assessment had fallen into legal error:

- The application of the sequential test
- The reliance upon the identity of Lush as a future occupier and the impact of that on the sequential test assessment.

The District Council has also sought its own Counsel Opinion. On the first issue of the application of the sequential test and disaggregation, this concludes that it is not legally erroneous in carrying out the sequential test to focus on the two sub-units combined as one unit cannot be created without the other and the development of both units is clearly inter-linked. It concludes that an alternative argument for how the sequential test should be applied falls into the realms of planning judgement.

On the second issue regarding the focus on Lush as an end user, there is reference to the High Court case in *Aldergate Properties v Mansfield DC* which made the point that for the purposes of the sequential test, *'the identity of the applicant or proposed occupier is generally irrelevant'*. Any permission granted would run with the land rather than being limited to a particular occupier.

It is noted that within the sequential test submitted by the applicant, although a number of references are made to Rituals and Lush as the end users (including references to Lush not wishing to have a further store in Leicester City Centre), in all cases where sequentially preferable sites were dismissed there were other reasons for dismissing these sites and Lush not wishing to have a second city centre store was mentioned as an aside.

The applicant has indicated that since the application was originally considered at the Planning Committee on 3rd October 2024, Lush have pulled out of the deal to take on the lease of the subdivided unit at Fosse Park. In any case, the identity of the occupier is not a relevant consideration in the sequential test

Following the 23rd January 2025 statement from the applicant, further Supplementary Counsel Advice was submitted on behalf of the owners of Highcross Leicester, addressing the points raised by the applicant. The Supplementary Advice expanded on previous points and considered that the sequential test was erroneous in its application for the following reasons:

- a. It artificially limited the assessment of sequentially preferable sites to 400+sqm when the Applicant seeks the disaggregation of the Site into two units of 216 sqm and 234 sqm;
- b. In applying the bracket of 400-500 sqm the Applicant's assessment was opaque in failing to advise how close to 400 sqm the 206 vacant units below 400 sqm in Leicester City Centre are; and,
- c. It wrongly relied, to a determinative extent, upon the identity of Lush as a prospective occupier and its existing unit in Leicester City Centre, contrary to Court of Appeal and High Court decisions.

Updated Sequential Assessment (April 2025)

The applicant has provided an updated sequential test to support the application (submitted on 24th April 2025) given the time elapsed since the previous submission.

The applicant maintains that the methodology adopted in the sequential test was appropriate, robust, comprehensive and flexible, in line with the requirements of the NPPF and PPG, and as interpreted by relevant decisions and case law. Although the proposal results in two separate units, one unit cannot be created without the other and therefore for the purposes of the sequential test the applicant maintains its approach of identifying units which can accommodate the two units together, rather than the units being disaggregated for the purposes of the search. The subdivided units extend to a total floorspace of 450 square metres (497 square metres including the shared goods area to the rear). The applicant has searched for existing units that can provide between 400 sq m and 500 sq m floorspace to demonstrate a flexible approach (in practice all sites exceeding 400 sq m in the agreed search locations have been assessed). A site measuring just under 400 sq m was also included in the assessment. The assessment takes account of current availability of units (which may have changed since the previous assessment), given the prospective operators' immediate requirements to occupy the subdivided unit.

In line with the original sequential test, the following allocated centres have been assessed: Leicester City Centre, Blaby Town Centre, Beaumont Leys Town Centre, St George's Retail Park. Again, the centres of Wigston, Enderby, Glenfield and Narborough were all considered to be lower order centres with groups of small shops and a main convenience store or supermarket and were not considered an appropriate scale or function to accommodate the proposed development.

The updated sequential test concludes that there are no suitable, available, or viable sequentially preferable sites across the relevant allocated centres.

Proposed occupiers

On the matter of the proposed occupiers it has been noted above that this is not a material planning consideration, and whether those intended retailers have an existing store in one of the higher order retail centres would not be a factor in the application of the sequential test.

However, given that the intended occupiers were previously mentioned as Lush and Rituals, the applicant has provided an update to reflect the current situation. Since the previous Planning Committee meeting, Lush has withdrawn its interest in one of the subdivided units. As such, the intended occupiers are now Rituals and Hotel Chocolat.

The applicant comments that Rituals operate from John Lewis in Leicester City Centre and have agreed terms to occupy a further unit in Leicester City Centre within Highcross (in addition to the intended Fosse Park West store). Hotel Chocolat have an existing unit in Highcross and the applicant comments that the Fosse Park unit will be in addition to their Leicester City Centre store.

Whilst it should be reiterated that the intended occupiers of units is not a material planning consideration, the applicant has commented that this information has been provided to underline that the application is not made on a speculative basis and to reinforce that the customer markets of Leicester City Centre and Fosse Park are complementary.

Impact assessment

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

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

Other matters

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

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

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

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

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

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

The proposed development is not expected to have an impact on the safe and efficient operation of the transport network. The level of traffic generated by the subdivided store is not considered to be significantly higher than for the existing

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

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

Overall Planning Balance and Conclusion

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

Whilst an established shopping centre, in retail planning policy terms Fosse Park is classed as an 'out of centre' location and policy therefore directs new development and extensions to higher order retail centres, the so-called 'town centre first' approach. However, through the original (August 2024) and updated (April 2025) sequential assessments carried out, the applicant has demonstrated that there are no sequentially preferable sites in higher order retail centres (city centres, town centres, district centres) within an agreed catchment which are suitable and available to accommodate the combined floorspace of the two proposed units whilst allowing for some flexibility. As the floorspace falls below the locally set 929 square metre threshold, an impact assessment to assess the impact of the proposal on existing centres is not required.

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

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

Furthermore, following the original resolution to approve the application, the owners of Highcross Leicester have objected to the application, firstly siting concerns in relation to the application of the sequential test in not considering alternative sites which could accommodate the units in their disaggregated form, and secondly its focus on the identity of the occupiers in discounting units in Leicester city centre. The applicant is of the view that its application of the sequential test was sound and that it complied with the requirements in the NPPF in terms of demonstrating flexibility. On the matter of the identity of the occupiers, your Officers are of the opinion that this is irrelevant for the purposes of the application and alternative sites were dismissed in the sequential test for other reasons. Nevertheless, the applicant has provided an update on the intended occupiers given that this has changed since the previous Planning Committee.

Officers are of the view that the updated sequential test has been carried out in accordance with the NPPF and guidance in the PPG and the applicant has demonstrated flexibility in applying the sequential test. Whilst the test does not assess sequentially preferable sites for the two individual units disaggregated, there is no express requirement in planning policy or guidance to do this. In the case of *Tesco Stores Limited v Dundee City Council* it was stated that a key consideration in assessing the suitability of a sequential site is *"whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site"*. In the appeal case for Rushton Lakes (APP/J/4423/A/13/2189893) the Inspector stated *"there is no longer any such requirement stated in the NPPF [to apply disaggregation]. Had the government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF"*.

In any case, were the sequential test to fail, this does not automatically result in refusal of the application. Paragraph 95 of the NPPF states *"where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 94 it should be refused"*. Although this states 'should be refused' this is not determinative and the question of whether to refuse an application were the sequential test to fail is a matter of planning judgement, taking into account all material considerations relating to the application. In this case, the application would help to support a unit being brought into use which has failed to be occupied in the four years since Fosse Park West opened in April 2021. This would bring economic benefits in terms of jobs created and other economic benefits to the area. Accordingly, even if it was considered that the sequential test was failed, such that there were other sequentially preferential available and/or suitable sites, it is considered that irrespective, the benefits of the proposal are such that they would outweigh the failure of the sequential test and any associated policy conflict. Thus, even if the proposal was considered to fail the sequential test and be considered contrary to the development plan, the benefits of the proposal, in particular the jobs created, attract sufficient weight to amount to material considerations that justify a departure from policy. Essentially, the application of the sequential test, in the specific circumstances of this case, is somewhat academic given that the planning judgment of officers is that permission should still be granted even if the test is ultimately failed.

The supplemental opinion from Counsel says as follows on this point:

“The Representation proceeds on the basis that one factor to be weighed against a failure of the sequential assessment would be the employment opportunities (circa 42 jobs) and ‘wider economic benefits extending beyond the boundaries of Blaby District’. As advised above, this ‘benefit’ is not in truth to be understood as one. It amounts to diversion away from other sequentially preferable locations which planning policy and guidance prioritises over the Application site. The Council must promote that policy preference even where the sequentially preferable sites are outside of the district.”

Accordingly, it is suggested that the employment opportunities offered through the scheme are not to be understood as a benefit. Officers disagree. Ultimately, the development proposal will give rise to additional jobs. That is a material consideration in the determination of the scheme. That material consideration can be afforded weight and, in the view of officers, it can be afforded significant weight in this instance as a matter of planning judgment. Even if the sequential test is failed and those same employment opportunities could have been enjoyed elsewhere, in a sequentially preferential site, it does not mean that they cannot be considered a benefit of this scheme. As a matter of planning judgment, they remain a material consideration arising from this scheme and in the view of officers, they remain a benefit, even if those same jobs could have potentially been found in a sequentially preferential site. Thus, the weight to be afforded to those employment opportunities are a material consideration that justify a departure from the development plan and override the sequential test being failed.

Overall, the proposed changes to planning permission 15/0577/FUL to allow the subdivision of Unit 3 at Fosse Park West into two separate units are considered acceptable when considering the development plan as a whole, taking into account any other material planning considerations, and it is recommended that planning permission is granted.

**24/0615/OUT Registered Date
19 July 2024**

**Bloor Homes Limited, Mr B Crane,
Mr P Crane, Mr T Crane, Ms T Price,
Mr J Crane, Mrs B Downes,
Mrs E Coupe, and Ms J Downes**

Outline application for the demolition of buildings, alterations to existing farmhouse, and the erection of up to 145 new dwellings and creation of associated vehicular access to Hinckley Road and pedestrian/cycle access to Beggars Lane, and associated infrastructure and enabling earthworks, with all matters to be reserved except access points into the Site.

Land to the south of Hinckley Road, Leicester Forest East

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

RECOMMENDATION:

THAT APPLICATION 24/0615/OUT BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

- 25% Affordable Housing provision
- Education Contribution
- Health care facilities contribution
- Police Contribution
- Library facilities contribution
- Civic amenity and waste facilities contribution
- 2 x 6- or 12- month bus passes per dwelling
- Travel Plan monitoring fee
- Bus stop contribution
- Desford Crossroad contribution
- Hinckley Road/A47 /Beggars Lane junction improvement contribution
- Traffic Regulation Order contribution
- Refuse bins contribution
- Cemetery facilities and maintenance contribution,
- Allotments and maintenance contribution
- Sports provision contribution
- Securing delivery and monitoring of biodiversity units are per the statutory Biodiversity Net Gain condition (HMMP requirements)
- S106 monitoring contributions– District and County Councils

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

1. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the latter).
2. Reserved Matters details to be submitted.

3. Development to be in accordance with approved plans.
4. No approval to illustrative site layout.
5. Maximum number of dwellings not to exceed 145
6. Dwellings to not exceed two and a half storeys in height
7. Access to be implemented prior to occupation.
8. Off-site footway/cycleway and crossing facilities to be implemented prior to occupation.
9. Revised Travel Plan to be submitted, agreed and implemented.
10. Arboricultural impact assessment and method statement to be submitted with reserved matters.
11. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
12. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes
13. Details of all external materials to be agreed.
14. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
15. Surface water drainage scheme to be submitted and agreed and implemented
16. Foul water drainage scheme to be submitted and agreed and implemented
17. Details of management of surface water during construction to be submitted and agreed and adhered to
18. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
19. Infiltration testing to be carried out
20. Revised acoustics assessment to be submitted with reserved matters.
21. Construction Management Plan, including details of construction traffic management, to be submitted and agreed and adhered to.
22. Construction Environmental Management Plan (CEMP) for Biodiversity to be submitted and agreed and adhered to.
23. Revised and updated biodiversity net gain metric to be submitted with reserved matters
24. Biodiversity Enhancement Plan to be submitted, incorporating recommendations and mitigation strategy in submitted ecology reports, including replacement pond.
25. Replacement hedgerow to northern boundary of site where removal required to provide access.
26. External lighting scheme for public areas to be submitted and agreed and adhered to.
27. Waste collection strategy to be submitted and agreed and adhered to.
28. Structural/condition survey of farm's traditional buildings to be submitted with reserved matters.
29. Level 2 historic building recording of Kingstand Farm
30. Reserved matters scheme for farmyard adjacent to Kingstand Farmhouse to be in accordance with agreed parameters.
31. South-eastern area of site (as indicated to be ridge and furrow area on illustrative Concept Plan) to be retained as open land with no built development.
32. Scheme for installation of heritage interpretation panels to be submitted and adhered to.

33. Programme of archaeological work to be undertaken, informed by a written scheme of investigation, to be submitted and agreed.
34. Asbestos survey, remediation method statement, verification plan and verification report to be submitted
35. Reporting of unexpected contamination

NOTES TO COMMITTEE:

Relevant Planning Policies and Guidance

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS5 – Housing distribution
Policy CS7 – Affordable housing
Policy CS8 – Mix of housing
Policy CS10 – Transport infrastructure
Policy CS11 – Infrastructure, services, and facilities to support growth
Policy CS12 – Planning obligations and developer contributions
Policy CS14 – Green infrastructure (GI)
Policy CS15 – Open space, sport, and recreation
Policy 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 & highway design standards
Policy DM9 – A47 High load route
Policy DM11 – Accessible and adaptable homes
Policy DM12 – Designated and non-designated heritage assets
Policy DM13 – Land contamination and pollution

Leicester Forest East Neighbourhood Plan (July 2022)

Policy H3 – Housing mix
Policy H4 – Affordable housing
Policy H5 – Housing design
Policy ENV2 – Local heritage assets of historical and architectural interest
Policy CF2 – New or improved community facilities

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 Development Contributions Supplementary Planning Document (2024)

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

Blaby District Council Waste Storage and Collection Guidance for New Developments

Blaby District Council New Development Quick Reference Guide – Waste Storage and Collection

Blaby Landscape and Settlement Character Assessment (2020)

Blaby District Council Open Space Audit (December 2015)

Blaby District Council Open Space Audit (2019)

Blaby District Council Playing Pitch Strategy (2020)

Blaby Residential Land Availability Report (2024)

Blaby Strategic Flood Risk Assessment Level 1 Final Report (2020)

Blaby Strategic Flood Risk Assessment Level 2 Final Report (2021)

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

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

Consultation Summary

Active Travel England - Standing advice offered

Blaby District Council, Active Travel Advisor

Comments (30.08.2024):

- Concerns raised re measures and targets in TA and TP - Multi modal trips should be provided across day not just peak hours to provide a stronger base to forecast active travel needs
- Mode share targets in Travel Plan are unambitious
- Limited qualitative analysis of surrounding walking/cycling network nor analysis of primary routes to amenities.
- Cycle parking should be provided
- More details of NMU priority crossing required
- Cycle/pedestrian route to Beggars Lane will benefit existing residents on Willow Road development.
- Developer should contribute to Toucan crossing of Beggar's Lane to allow access to path leading to New Lubbesthorpe.

Comments (06.01.2025)

The proposed changes are technical highway engineering interventions that seem to be for the positive. I have no further comments at this time.

Blaby District Council, Conservation Officer

Comments provided (26.11.2024)

No objection in principle but raise concerns regarding the proposed demolition of some of the more traditional farm buildings that make up the historic farm courtyard. Recommend the following for inclusion at reserved matters stage:

- the retention of more of the farm's traditional ancillary buildings within the site (Groups 1, 2 and 3), informed by a Structural/Condition survey, with rebuilding where it is not possible to retain on the same layout/footprint and to a similar size and scale;
- ensuring the provision of open space to the southeast part of the site is secured to preserve the setting of the Scheduled Monument;
- Heritage interpretation panels and new landscaping to be secured through a S106/condition as appropriate.

Further comments in relation to farm complex (23.01.2025)

Suggest following parameters for the outline:

- Internal courtyard to be hardstanding and remain open only;
- Private gardens to be provided on the external sides;
- Barn depths to be 5-6m;
- Access to come from the north;
- All boundary walls to be in brick;
- Reclaimed materials from the site to be used;

Blaby District Council, Environmental Services – No objections subject to conditions:

Air Quality

- Air Quality Assessment (July 2024) is comprehensive and acceptable and conclusions are valid.
- Air Quality Management Area (AQMA) 3 has been revoked (November 2024) since assessment was prepared.

- Air Quality Assessment should be listed as an approved document and should any significant changes be proposed to the scheme at a later date the assessment should be revisited.

Land Contamination

- Submitted Phase 1 Desk Study & Phase II Exploratory Investigation include appropriate assessment.
- Remediation Method Statement, Verification Plan and Verification Report required by condition
- Recommend condition requiring asbestos survey prior to any demolition works

Noise and Disturbance

- An Acoustics Assessment has been submitted with the application which is comprehensive and acceptable with the scoping agreed
- Acoustic mitigation measures are reasonable and should be incorporated into the reserved matters proposals. An updated Acoustic assessment should be submitted at the reserved matters stage to take account of the detailed proposals.

Construction Impacts

- Recommend a condition requiring submission of a Construction Environmental Management Plan (CEMP) is submitted. The CEMP should be informed by the Air Quality Assessment and Acoustics Assessment, with the addition of further noise impact assessment to establish the noise control measures to be implemented during construction.

Blaby District Council Health, Leisure and Tourism (Sports Facilities) – Assessment has been conducted using Sport England Play Pitch Calculator which uses data from the latest version of the Blaby District Playing Pitch Strategy. Contributions of £232,204 should be secured towards the following:

- Improvements to Kirby Muxloe Recreation Ground, which has poor pitch quality, to meet demand for football provision in Blaby North Area
- There is a current deficiency of 1 x 3G pitch in the Blaby North Area and funding should be directed to new 3G provision identified for New Lubbesthorpe
- Provision of ancillary facilities at Leicester Forest East Tennis Club to support inside play and capacity of the club.
- Improvements to cricket square at Kirby Muxloe Recreation Ground to support growing demand for cricket in the area.

Blaby District Council, Housing Strategy Team

Comments (28.08.2024)

Draw attention to the policy requirements (25% affordable housing on schemes of 15 or more dwellings, clusters of no more than 6 affordable units and indistinguishable from market housing). Recommend inclusion of standard condition in respect of development providing appropriate mix of market and affordable housing at reserved matters stage.

Further comments (28.01.2025)

Further comments provided with revised housing mix suggestions.

Blaby District Council, Neighbourhood Services

No BCPs or bin store areas shown. Guidance documents attached for consideration by developer.

Braunstone Town Council

02.09.2024 - Objects to application on the following grounds:

1. *the site had not been included in the current Local Plan, adopted in February 2019; while that same plan included a Site Allocation (SA1) at "Land North of Hinckley Road, Kirby Muxloe" for at least 750 dwellings, 885 had been approved but remained to be developed;*
2. *the proposed design and layout of the site was contrary to facilitating active travel and integrating communities; and*
3. *there was only one vehicular access to the site, which was via the A47, Hinckley Road, opposite the sports clubs (and site SA1 above).*

Reasons: While new housing was needed, it shouldn't be piecemeal, an integrated and evidenced based approach should be pursued:

1. *While it was accepted that the site had been put forward for consideration as part of the current review of the Local Plan, the assessment and evidence process was not complete, consequently no proposals had been published for consultation. The current adopted local plan included provision for 750 dwellings (25% affordable) on land to the north of Hinckley Road and 885 had been approved; therefore, there was sufficient land allocated to accommodate a further 135 new dwellings on that site.*
2. *The proposed site was adjacent to a recent development; however, it was separated from it. Active Travel England criterion 7, Site Permeability states "the development should provide / safeguard pedestrian and cycling connections to neighbouring sites including future phases of development"; the proposed site was designed in a way to cut it off from neighbouring areas, with access only from a major road and for pedestrians and cyclists from Beggars Lane. Any development on this site would need to be better integrated with the wider area.*
3. *The A47 Hinckley Road was significantly congested (not just at commuter times). The site access would be at the same point as the proposed 885 dwellings. Of this site, the Local Plan requires "a comprehensive package of transport improvements informed by a robust transport assessment will be required. The improvements should include:*
 - Improvements to junction and link capacity on Hinckley Road (A47);*
 - New junction into the site; and*
 - Traffic calming measures."**Such information was similarly required for the proposed development, including collective impact and collective mitigation."*

Cadent Gas - No objections

Environment Agency – No formal comments to be made. The development falls within Flood Zone 1 and therefore we have no fluvial flood risks concerns associated with the site. No other environmental constraints that fall within the remit of the Environment Agency.

Historic England

Letter received commenting that Historic England will not be offering advice on this occasion.

Kirby Muxloe Parish Council

22.08.2024 – Makes comments/observations on the application.

“Problems with traffic flow on Hinckley Road are an everyday occurrence and therefore no further traffic should have direct access the A47. If the traffic from the new development had separate access to Beggars Lane as per the existing neighbouring development (which has Bosworth Way exiting onto Beggars Lane), then this gives vehicular access to two traffic signal controlled entries to Hinckley Road via Beggars Lane or Warren Lane, or the opportunity to turn right towards Lubbethorpe and Lubbethorpe Way or Enderby and further, including the M1/M69 motorways.

In Council’s opinion, the introduction of an island at the Desford Crossroads will not improve traffic flow on Hinckley Road. LCC Highways have, for many years, stated that traffic users will seek other routes to reach their destination, this may have been the case many years ago but today these routes are just as congested as Hinckley Road.

There is also a lack of a secure pedestrian crossing and no pedestrian paths along Hinckley Road to the distant bus stops, together with a lack of attention to detail in terms of character with this type of development.

There is a chronic shortage of good quality bungalows in our area. Older people who wish to downsize are unable to find appropriate accommodation, so they continue to live in family sized dwellings, thus depriving young families of decent sized houses.

Kingstand Farm, as the application documents state, has some historical value. For a number of years, rumours have abounded that the farmhouse has links with King Richard III and links with Kirby Muxloe; rumours of now sealed up historic tunnels, which the Crane family who have lived there for generations have often confirmed.

Interestingly, the elected MP spoke in similar terms in his election manifesto about the lack of provision of services and care for future residents of proposed estates.”

Leicester Forest East Parish Council

09.09.2024 Objects to proposals:

“Leicester Forest East Parish Council (LFEPC) are opposed to further development within the parish of this scale. Hereby our objections and observations that Blaby District Council (BDC) and the Planning Department and Committee MUST consider and act upon.

LFEPC note that in the BDC local plan that they considered further development along the A47 should be to the north of the A47 as demonstrated recently by the permission granted for 880 homes around the Rugby Club. BDC wrote that 'land to the south of the A47 was NOT PREFERRED'.

1. GENERAL COMMENTS

1.1 LFE is now surrounded by large building projects which are projected to continue for 5 -10 years.

Lubbesthorpe: Projected at 4500 homes has only 1200 homes complete. Progress is so slow because there is reduced demand, existing buyers are selling and leaving due to the impact of cost of living etc.

North side A47 around Rugby Club: 880 homes agreed.

Why do we need to have a further 150 homes? LFEPC are very unhappy that BDC are playing a numbers game to fulfil expectations and LFE Parish are taking the brunt.

1.2 Decisions are being made by LCC Highways, BDC and respective committees with no consideration of the daily lives of residents. With no local knowledge or understanding of the impact of developments. Permissions are granted on an individual planning basis with no consideration to the wider picture of surrounding villages and their developments.

2. INFRASTRUCTURE

2.1.1 Roads and Traffic

2.1.1 General

The A47 in LFE is a major artery for traffic east-west and as a crossover for north-south directions outside the western edge of the city giving easy access to and from the M1 and A46 north. Consequently, LFE residents battle each day to get out of the side roads.

The A47 is gridlocked in both directions, morning and evening. Between 6.30am and 9.30am queues for city bound traffic stretch from the Braunstone Crossroads back to Desford Crossroads, some 2.5 miles and on occasions as far as the Peckleton turn, close to 3.4 miles. From 4pm to 7pm traffic queues from Wyngate Drive in the city through LFE up to Desford Crossroads. At these times even the opposite traffic flow is still severe.

It only takes 1 minor accident or work on the main arterial road to complete gridlock LFE and Kirby Muxloe.

Ratby Lane has regular queues stretching from the A46 and at least 40% of that traffic turns right onto the A47 through LFE. Kirby Lane sees queues stretching back down into the village. The M69 at Junction 21 often has 2 to 3 lanes, chocker block

with drivers now looking for alternative routes. Many come off the M69 at Hinckley taking the A47 for Leicester. The new National Freight terminal is going to exacerbate these problems.

Public transport is only along the A47 corridor and not in the directions residents require for work, supermarkets and say Fosse Park. Meynell's Gorse P+R is situated within the city boundary necessitating car use through LFE. Cycling is widely regarded as unsafe due to traffic volumes.

Lubbesthorpe has reached 1200 houses, bringing an additional 1500+ cars onto our roads. With another 3,300 homes scheduled, that is a further 6500 cars. How are these huge numbers of cars going to access a congested A47 and surrounding roads?

The A47 Rugby Club development will bring an additional 1800 -200 cars onto the highways

This proposed Kingstand Farm development of 150 homes adds another 300+ cars. Proposed developments at Barwell and Earl Shilton numbering 4000 houses + developments in Desford and Newbold Verdon will exacerbate traffic using the A47 to reach Leicester and the northern M1 and A46 routes.

December 2021 177 from County Highways related to the A47 Rugby Club planning - dated December 2021, made this statement.

'On the basis that the forecast network performance in the 'without development' scenarios show significant congestion, it is of significant concern that in the absence of a package of highway mitigation and infrastructure improvements, the residual cumulative impact of the development on the highway network is very likely to be severe.'

Due to the cost of homes children are staying at home longer than ever before and each child of driving age probably has a car.

2.1.2 Proposed access onto Beggars Lane or A47

Though access onto the A47 is not currently considered LFEPC would object to any further road access hindering the flow of traffic along the A47.

Access via Beggars Lane is not appropriate due to volume of traffic from Lubbesthorpe and the existing development (Taylor Wimpey) on the west of Beggars Lane.

The road cannot cope with additional traffic and residents are already complaining and being frustrated that crossing Beggars Lane is difficult due to lack of safe infrastructure and speeding.

LFE and surrounding roads system does not have the capacity to accommodate this traffic without impacting residents and the arterial network. It is not acceptable.

2.2 Cycling

There is an expectation by the developers and local planning that putting in place cycle routes, etc. linking Kingstand to Lubbesthorpe or to the A47 will drive down car usage. Most people and families do not cycle and use cars for their journeys. Cars are required because there are no local amenities to these new developments. Refer to Section 3 facilities.

2.3 Sewerage

The current sewerage systems must be getting close to breaking point. Has work been completed to indicate whether the system in LFE can cope with all this additional housing?

2.4 Drainage and Flooding

This development further removes natural land drainage on a south facing slope towards the stream that flows under Beggars Lane. In the last year alone, we have seen the impact that 1200 homes has had, with flooding on Beggars Lane. Another 3300 houses on Lubbesthorpe + 150 house on Kingstand Farm will exacerbate this situation.

Residents who have lived in LFE for 40+ years have never seen Beggars Lane closed due to flooding until recently. It may be advocated that it is severe weather, climate change causing the problems but the developers and BDC must mitigate before allowing further development.

3. FACILITIES

3.1 Doctors – Forest House Medical Group covering LFE, KM and Lubbesthorpe are already overstretched Residents daily struggle to get appointments. Park Drive surgery is closing and moving to Warren Lane / Lubbesthorpe.

Document 2502059 from NHS LLR-ICB says this in relation to the new Lubbesthorpe surgery. 'Whilst the new premises will be modern and fit for purpose, they will have been designed to meet current patient list size, and not for a population that has not arrived.'

There is no room to expand on the Warren Lane or Lubbesthorpe sites. Parking is insufficient at both locations.

The current medical provisions are INADEQUATE.

Dentist

Residents of LFE / KM and Lubbesthorpe currently have one NHS dental practise and one private one. Patients are struggling to get access as lists are limited or unavailable.

The current dental provisions are INADEQUATE.

Schools

Primary Schools in LFE and Lubbethorpe are at capacity and are currently at least 60 places short in meeting the needs of the community. The proposed A47 Rugby Club development will see a school once 400 homes are developed but that is years away and will not meet requirements of another 150 homes from this proposal.

The current school provisions are INADEQUATE.

Shops and amenities

LFE being closest will be the point of access for the 3 small food shops and limited other amenities, most situated along the A47 and the nearest 1 mile away. Major shopping implies driving through LFE to access out of town areas and supermarkets.

The shopping and amenity provisions are INADEQUATE.

4. HEALTH

Leicester University has concluded an 8-year study which states that road traffic noise impacts the body and increases hypertension. This is on top of pollution. Polluting cars will be around for decades and the A47 has seen a 10-fold increase in HGVs, so, whilst pollution figures in LFE may point to a slight reduction, volume increases in traffic will quickly negate that. As car manufacturers are saying, the take up of electric vehicles is slowing, and ICE cars are still and will be the mainstay for many road users. LCC highways and BDC cannot assume all the new development will bring more electric cars.

5. GREEN SPACE

Our rural aspect to the west of LFE is being removed, vital farming and green spaces are being eroded for 'new homes.' Loss of green land affects us all. Mentally and physically and then the consequent detriment to the environment.

6. CONCLUSION

There is absolute certainty that things will get worse over the next few years as the Lubbethorpe development continues + the A47 Rugby Club development.

- There is no requirement for a further 150 houses in this location. There are already 4000 houses 'unbuilt' that have permission.*
- Even this proposed new 'small' development will have a negative impact on the roads and infrastructure of LFE.*
- Current Infrastructure cannot meet requirements.*

Remember that the resulting effects are the sum of the parts – not each part on its own.

LFE is under pressure, and LFEPC urge you all to think very carefully and to ensure that the infrastructure and related services are improved, as well as residents' health taken into consideration, before any further development is permitted within Leicester Forest East and Kirby Muxloe."

Leicester Forest West Parish Council - No comments received.

Leicester, Leicestershire and Rutland Integrated Care Board - Request funding for use at any of the 3 GP surgeries identified (Warren Lane Surgery, Forest House Medical Centre, Kingsway Surgery -Thorpe Astley Community Centre). Total contribution requested £112,288.00.

Leicestershire County Council, Archaeology - Recommend conditions requiring Level 2 historic building recording of Kingstand Farm and a staged programme of archaeological investigation, commencing with an initial phase of trial trenching targeting areas of the site not accessible during previous evaluation

Leicestershire County Council, Ecology

Comments (03.09.2024)

- Ecological appraisal shows satisfactory level of detail and indicates need for a European Protected Species Licence to lawfully undertaken the proposed works due to presence of Great Crested Newts (GCN) in off-site ponds with connectivity to site habitat.
- 2 x candidate Local Wildlife Sites – pond and mature ash tree. Pond will be lost and reinstated in position proximate to existing pond.
- Construction Environmental Management Plan (CEMP) should be produced to detail safe measures of working to protect species present on site.
- Recommendations within appraisal should be carried out to good practice guidance.
- Biodiversity Net Gain (BNG) – concept plan shows that net gain can be achieved. No off-site creation is sought. Habitat Monitoring and Management Plan should be produced and submitted with planning to demonstrate the feasibility of the proposed created habitats achieving the proposed conditions to ensure the gain is possible.
- Habitat mitigation strategy for breeding bird in Bird Survey report is satisfactory. Barn owl nest boxes should be considered in final design.
- Recommendations within appraisal should be carried out to good practice guidance in respect of bats.
- Recommend conditions for CEMP, HMMP (to be submitted with Biodiversity Gain Plan), ecological enhancements to the site are presented in Biodiversity Enhancement Management Plan.

Leicestershire County Council, Developer Contributions

Education

Early Years Education – No contribution requested.

Primary Education – New school provision £1,712,181.80

Secondary Education – New school provision £1,333,690.80

Post-16 Education – New school provision £141,882.00

SEND Education – Wigston Birkett House Community Special School £81,850.23

Libraries

Request contribution of £4,318.27 towards Leicester Forest East library.

Waste

Request contribution of £3,413.41 towards Whetstone Household Waste and Recycling Centre (WHRC).

Monitoring Fees

£300.00 or 0.5% for each obligation

Leicestershire County Council, Forestry - Majority of trees/hedges to peripheries to be retained. Trees and groups internal to the site to be removed to provide areas for residential development – generally of low arboricultural value, except for G13, G18 and T21 (all B category). Removal of cypress hedgerow to the south of the site would enable more appropriate landscaping to be established. Additional planting proposed to straighten existing features and to north-west of site will potentially mitigate for any one site loss. Detailed tree planting and landscape plan will be required in addition to full arboricultural impact assessment and method statement to ensure design can be implemented without impact upon trees proposed for retention.

Leicestershire County Council, Highways

Comments on initial submission (18.09.2024)

Application does not fully assess the highways impact of the proposed development and further information is required:

Sustainability

Further work should be undertaken by the applicant to ensure that appropriate opportunities to promote sustainable transport modes can be taken up.

- Walking, Cycling and Wheeling – (i) Walking and cycling are potential modes of travel for future residents. (ii) Further design details are required for proposed 3 metre wide shared footway on southern side of Hinckley Road. (iii) Request cycle way connection from Beggars Lane pedestrian/cycle access to pedestrian/cycle path to south providing access to New Lubbesthorpe (iv) link to adjoining development to the east should be considered.
- Passenger Transport – (i) There are bus stops on Hinckley Road and bus travel is a potential mode of transport for future residents. The LHA requests two additional bus stops east and west bound directions for benefit of residents (ii) First residents should be offered two free six-month bus passes to be secured via a S106 agreement.
- Travel Plan – (i) Further work is required on the travel plan and can be submitted by condition or pre-determination. Amended travel plan should include detail of bus stops; actions to promote active and sustainable travel and timeline for these; cycle storage and parking facilities; EV charging and free bus passes (ii) Travel plan monitoring fee £6,000 required.

Access

Further information is required to demonstrate a safe and suitable access to the site.

- Hinckley Road access – (i) Require submission of Road Safety Audit for Hinckley Road access (ii) Relocation of speed limit change acceptable in principle. The proposed Hinckley Road access will require Traffic Regulation Order (TRO) (Cost for applicant £7,500) to relocate 40mph area (iii) Further details and supporting info on access geometry (including swept path analysis), visibility splays and 85th percentile speed data (iv) Revisions to design of shared footway/cycleway required – either 1m verge or additional 0.5m of footway. Provision to be made for cyclists travelling eastbound for joining on-carriageway facilities (v) Amendments required to show whether the shared footway/cycleway will extend to Hasting's Fields roundabout and how this would connect.
- Beggars Lane access – (i) Require submission of Road Safety Audit for Beggars Lane pedestrian/cycle access (ii) Further details of turn into cycle/footway from Beggars Lane required at detailed stage (iii) Visibility splays at Beggars Lane to be justified with 85th percentile speed data (iv) Consideration should be given to providing cycle link to New Lubbesthorpe.

Off-Site Impacts

Further information is required to adequately demonstrate the impacts on the transport network (in terms of capacity and congestions) and highway safety and whether mitigation is needed.

- Trip rates and traffic generation - Trips rates are acceptable.
- Trip distribution and assignment – (i) Trip distribution has been derived from the Pan-Regional Transport Model (PRTM) outputs indicating a distribution of 67-75% of development traffic to/from A47 to the east and 25-30% of traffic to/from the A47 to the west of the site. The outputs should be submitted to verify. (ii) Flow diagrams are acceptable.
- Committed developments – (i) The assessment traffic flows contain the full Hasting's Fields development as well as other committed developments as determined through the use of the PRTM. This is acceptable.
- Junction Capacity Assessments – (i) Junction capacity scenarios without Hasting's Fields should be modelled to account for the possibility that development is not implemented (ii) Actual junction models for the modelled junctions need to be submitted to the LHA for verification and to allow off-site mitigation measures to be considered.
- Personal Injury Collisions (PIC) – (i) Personal Injury Collision (PIC) data requires updating and study area should be clarified on a plan.

Public Rights of Way

Further information is required to demonstrate whether the proposed development would protect and enhance public rights of way. Consideration should be given to connecting site with Public Right of Way (PROW) footpath W6 (runs alongside Beggars Lane link).

Highway Authority further comments (27.11.2024)

Application does not fully assess the highways impact of the proposed development and further information is required:

Sustainability

LHA remains of the view that additional bus stops should be provided nearer to the site access, however, these can be secured by way of a S106 contribution if planning permission is granted.

Access

- Hinckley Road access – (i) Request consideration is given to locating main site access off the Hasting's Field roundabout to minimise the number of accesses off Hinckley Road (ii) appropriate visibility splays now provided (iii) dragons teeth marking should be laid at the east bound speed limit change (iv) shared footway/cycleway should be extended to the corner of Hinckley Road (A47)/Beggars Lane T Junction to tie into works approved for the Hasting's Field development. Alternative proposals should be put forward to account for the event that the Hastings Field development is not implemented. (v) Connection of shared footway/cycleway to Hasting's Field roundabout welcomed. (vi) further swept path analysis required for refuse vehicle.
- Beggars Lane access – (i) Shared footway/cycleway to New Lubbesthorpe now shown but RSA still required (ii) 85th percentile vehicle speed data should be submitted.

Off -Site Impacts

- Trip distribution and assignment – (i) As PRTM data not available an extract of the source data should be submitted
- Junction Capacity Assessments – (i) Hinckley Road/Kirby Lane and Hastings Field roundabout models are satisfactory (ii) further amendments are required to the Hinckley Road (A47)/Beggars Lane signalised T-junction model for the Am with development scenario. (iii) future year scenario without Hastings Field still need to be modelled.
- Personal Injury Collisions (PIC) – (i) no additional PIC incidents have occurred in most recent five-year period within 500 metres of either direction of both access and a 100m radius around the Hinckley Road (A47)/Beggars Lane and Hinckley Road (A47)/Kirby Lane signalised T-junctions. (ii) The LHA is satisfied that there are no exiting highway safety issues in the vicinity.

Public Rights of Way

Applicant has indicated land ownership constraints prevent connection to footpath W6.

Highway Authority further comments (21.01.2025)

Application does not fully assess the highways impact of the proposed development and further information is required:

Access

A RSA1 and designer's response has been submitted and LHA is content that a safe and suitable access to the site could be achieved for all users.

- Hinckley Road access – (i) dragon's teeth are welcome and shared footway/cycleway connect to the Hinckley Road (A47)/Beggars Lane signalised T-junction are now shown to tie into the works approved by the Hastings's Field development with alternative arrangements should the works not materialise. LHA is content with this.
- Beggars Lane access – (i) LHA content that RSA does not raise any issue with shared footway/cycleway along Beggars Lane (ii) 85th percentile speed data has been submitted and suitable visibility splays are provided.

Off -Site Impacts

Further submissions awaited; however, LHA confirms that junction capacity assessments without the Hastings Field development are no longer required as the LHA is content that delivery of scheme is likely.

Highway Authority final comments (21.02.2025)

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 recommended conditions and planning obligations.

Off -Site Impacts

- Trip distribution and assignment – Source data has been submitted to inform the trip distribution which has been reviewed. LHA has also undertaken its own manual trip distribution exercise and find the submitted trip distribution acceptable.
- Site access – (i) Junction modelling shows that each arm would operate within capacity. (ii) Though the proposed access has not been re-located off the Hastings Field roundabout, the LHA notes the proposed site access does not conflict with vehicular visibility for any other junction along Hinckley Road (A47) (iii) given site access junction spacing accords with figure 10 of the LHDG and has been shown to operate within capacity during both future peak hours, the LHA consider the access safe and suitable.
- Hinckley Road (A47) / Hastings Field roundabout – (i) the LHA is content that the proposed development would not materially worsen the performance of this junction, and no mitigation is required for this junction
- Hinckley Road (A47) / Beggars Lane signalised T-junction – (i) Further sensitivity tests have been carried out on the model for this junction for pre- and post- development scenarios. The LHA has reviewed the models and consider they indicate the conclusions in the transport assessment remain valid. (ii) the PM peaks would operate within capacity (iii) the AM peaks have a degree of saturation exceeding 90% with the A47 Hinckley Road most

impacted (iv) SCOOT validation requested to be secured by way of S106 agreement.

- Hinckley Road (A47) / Kirby Lane signalised T-junction – (i) This junction would operate within capacity and mitigation is not required for this junction.
- Hinckley Road (A47) / Leicester Lane (B582) / Desford Road (B582) 'Desford' crossroads – (i) The LHA has identified a scheme of improvement works at this junction which is expected to be delivered circa 2028. Given the proximity of the development site to this junction, combined with its scale, the LHA requests that a fair and proportionate contribution is made towards these works to off-set the impact of the development traffic.

Conditions recommended requiring submission of a construction traffic management plan and amended travel plan and implementation of off-site highway works.

Planning contributions requested

- £7,500 to be used for the provision of the Traffic Regulation Order to relocate the speed limit (not including signage);
- £631,188.43 towards the highway improvement scheme at Desford Crossroads
- £2,000 towards a revised configuration of the A47/Beggars Lane signalised junction.
- Travel packs for each dwelling (£52.85 per dwelling or £500 administration charge, as required)
- Two six-month bus passes per dwelling
- Travel plan monitoring fee of £6,000.
- Contribution of £25,052 for provision two bus stops

Leicestershire County Council, Lead Local Flood Authority

Consultation on initial submission (19.08.2024)

Further consultation required:

- 9.34ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding.
- Propose discharge at 11.4l/s via 2 detention basins to the on-site watercourse.
- Use of further Sustainable Drainage Systems (SuDS) has been discounted as applicants have designed microchannel and permanent waterbody within the basin – Lead Local Flood Authority (LLFA) would welcome further SuDS provision given scale of site.
- Unclear what drainage function existing ditches and ponds provide and where they drain, plans should show existing on-site and adjacent off-site surface water drainage features indicating what areas they drain, overland flow routes and on-site sub catchments.
- Details at reserved matters should show basins with more organic form – to help follow existing contours and provide ecology/visual benefits
- Require further consideration of SuDS, details of outfall's downstream connectivity; catchment plan showing existing drainage regime on site.

Consultation response on amended drainage details (10.10.2024)

Submitted technical note and amended material satisfies LLFA's concerns. Permeable paving is now proposed on private driveways and function and direction of existing land drainage has been clarified. Recommend conditions re surface water drainage scheme and maintenance.

Further comments (08.01.2025)

Revisions to site access have no impacts on already reviewed surface water drainage strategy. Recommend conditions.

Further comments (Surface Water Technical Note)(10.04.2025)

No change to earlier comments.

Leicestershire Police - S106 Contributions requested to mitigate additional impacts of the development. £69,344.54 is requested towards funding of personal start up equipment, infrastructure and estate support, police vehicles, information technology and crime reduction initiatives.

Lubbesthorpe Parish Council

30.08.2024 Objections to proposals:

"Lubbesthorpe Parish Council have considered the above planning application and their response is object."

Reasons

1. Increase Traffic on the A47

Material considerations: Highway safety, Traffic and parking issues

NPPS:

108A, the potential impacts of development on transport networks can be addressed; 108D, the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

2. Increase traffic for the facilities in New Lubbesthorpe as residents from the proposed development will use the shops, doctors and school. There are no facilities propose on the new development

Material considerations: Highway safety, Traffic and parking issues

NPPS:

96A, promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

96C, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

108D, the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

3. Concern over the limited capacity of New Lubbesthorpe Primary School (it is currently at capacity for the lower years)

The planning applicant has repeatedly referred to New Lubbesthorpe Primary School in their application.

Material considerations: Impact on the community and other services

NPPS:

99, It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

4. Concern for increase flooding

Flooding has already become an issue on Beggars Lane earlier in 2024.

Material considerations: drainage and flood risk

NPPS:

165, Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

166, Strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

5. Construction traffic using Beggars Lane

A clause needs to be included to ensure that construction traffic does not use Tay Road New Lubbesthorpe and Beggars Lane

Material considerations: Highway safety

Also Lubbesthorpe Parish Council would like to apply for S106 funding

Youth provision £10,000. We are currently investigating setting up a regular youth club. Staff will need to be employed.

Bmx / skate park £200,000. Figures based on information from Skateboards UK (£400 per square meter)”

National Grid – No response received.

Severn Trent Water – No response received.

Sport England – Proposal does not fall within statutory or non-statutory remit and the golf site is not included in Blaby's Playing Pitch Strategy. No response to be provided.

Third Party Representations

4 representations objecting to the application. The comments received are summarised below:

Principle

- Consideration to residents and the environment should take priority over meeting government housing targets.
- This part of district has been overdeveloped for years along with Braunstone Town, Thorpe Astley and new Lubbesthorpe.
- Is development in current local development plan?

Traffic/Highways

- Road network already at saturation point and will be made worse by Hasting Fields development.
- Hinckley Road is already one of the busiest roads in the country.
- Access is onto A47 near sporting facilities which will cause congestion and danger to A47 users.
- Currently no footpaths along the A47.

Amenity/Environment/Facilities

- Pedestrian/cycle path to Beggars Lane will impact on residents of Willow Road – will be busier and what fencing/lighting is proposed.
- Antisocial behaviour will be encouraged by pedestrian/cycle path to Beggars Lane and increase in litter.
- People on Grangewood Manor or New Lubbesthorpe cannot get their children into the new school as it is full to capacity.
- No infrastructure to cater for an extra 500 people or so.

2 representations made neither objecting to nor supporting the application. The comments received are summarised below:

Traffic/Highways

- There has never been an inbound bus stop at the end of Beggars Lane, only an outbound one with no pavement into Beggars Lane. There will be no bus stop into town for these new houses between Desford Crossroads and Woodheys Residential Care Home. This needs to be addressed.
- Hinckley Road is a nightmare to use between 7.30am – 9.00am and 4.30pm-6.00pm. Concerned about additional volume of traffic.

Cllr Coar, as Ward Councillor -

Response (18.03.2025) Objects to development (i) where has design for Hastings Field roundabout come from (ii) why can't the new houses on Kingstand Farm be designed to adjoin this new roundabout? (iii) there is no way in this world during rush hour periods that cars will be able to leave the new site onto the A47 (iv) traffic is near to gridlock every single day of the week and if the football or rugby teams in Leicester have 'home matches' the weekends are a nightmare too (v) highways modelling is completely out of sync with what exactly traffic conditions are currently

and I would also point out that when the 900 homes on land north of the A47 were approved, LCC stated that the highways was very near saturation point (vi) bus passes were also suggested for Lubbethorpe and it is clear they just aren't used because people no longer travel into the City as they used to do, they have journeys along the A47 and then disperse off to Glenfield Hospital or business in Beaumont Leys or indeed take the 47 onto B582 to Next and Santander to name but a few.

Further response (25.03.2025) – (i) Assuming this development gets the green light and as various developments become operational, further highway problems are foreseen (ii) how can Council approved any further development along the A47 corridor when Leicester Forest East and its residents see near gridlock conditions on a daily basis and this is before the commencement of 885 houses near the sports clubs and this proposed development, and indeed a further 3,000 homes yet to be built on Lubbethorpe

Relevant Planning History

Application site:

17/1735//FUL	Residential development for 160 dwellings, including associated access, public open space, parking and landscaping.	Withdrawn 18.02.2019
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Adjacent site (residential development off Bosworth Way):

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

Land to the north of Hinckley Road (known as Hastings Fields)

19/1610/OUT	Proposed residential development (up to 885 dwellings)	Pending decision
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EXPLANATORY NOTE

The Site

The application site is located on the western edge of Leicester Forest East and comprises the land and buildings known as Kingstand Farm; the adjacent bungalow, Green Acres; and a strip of the former golf course land and its buildings to the west, as well as its former access off Beggars Lane. Access is provided from Hinckley Road (A47) which runs east-west adjacent to the northern boundary of the site. The site lies within an area designated as countryside, outside of the settlement boundaries of Leicester Forest East.

The site measures approximately 9.34 hectares. The part of the site associated with Kingstand Farm and its timber business operations is comprised of fields, farm buildings, hardstanding, storage containers and the former farmhouse, which is in a state of some dereliction. Whilst the farmhouse does not benefit from any statutory protection, by virtue of its age, materials and surviving architectural details, is recognised as meeting the definition of a non-designated heritage asset and is therefore worthy of some level of retention and/or integration into the proposed scheme.

Green Acres is a modern detached bungalow with enclosed domestic gardens and horse paddock adjacent to Hinckley Road. The western most area of the site incorporates an area formerly part of the Kingstand Golf Club (closed since 2013), its former access from Beggars Lane (also closed), car park and modern functional style buildings, which are now significantly dilapidated.

In respect of topography, the site falls gradually from 109-111 AOD in the north to 106m AOD in the south of the site. The site is well vegetated with hedgerows and mature trees across the site and contains three ponds of varying sizes. Hedgerows screen the site from Hinckley Road and a wide hedgerow separates the site from the neighbouring residential development. The conifer hedge to the southern boundary and within the western part of the site are noticeable features within the landscape.

Beyond the site boundaries, the remaining area of Kingstand Golf Club lies to the west. To the north, on the opposite side of Hinckley Road, are the Leicester Ivanhoe Cricket ground, Old Newtonians Rugby Club, Leicester Forest East Tennis Club and Leicester Forest Rugby Club. The application site is also located approximately 200 metres from the western edge of the New Lubbethorpe development to the east.

To the south the landscape is predominately agricultural/pastureland. Approximately 170 metres to the south east of the site and separated by an agricultural field is the nationally important Scheduled Monument comprising the remains of a medieval 'rabbit warren'. The remains of the warren survive as a series of earthworks, largely under pasture.

The site is also affected by the following additional site constraints; it lies within a great crested newt buffer zone; is adjacent to public right of way footpath W6 which runs adjacent to the site's southern boundary and the former Golf Club access off Beggars Lane.

The Proposal

This application seeks outline planning consent for residential development of up to 145 dwellings, with all matters reserved for future consideration apart from the means of access to the site. A vehicular access is to be provided to Hinckley Road with a pedestrian/cycle access created to Beggars Lane. The proposals include alterations to the farmhouse and demolition of the majority of the existing buildings on the site, including the 'Green Acres' bungalow. The application also proposes provision of supporting infrastructure including drainage features and public open space, which will provide opportunities for biodiversity enhancement to achieve mandatory Biodiversity Net Gain (BNG) on the site.

The vehicular access proposals show alterations to the existing access to the site to increase its width to provide a 6.75m carriageway, 10m radii, shared pedestrian/cycle route and crossing facility across the site junction. Off-site highway works are also proposed as part of the development and include shared footway/cycleways on the southern side of Hinckley Road connecting to the Hasting's Fields proposed roundabout to the west and the Beggars Lane junction to the east. A pedestrian refuge crossing point is proposed to the east of the access. The Beggars Lane off-site proposals incorporate an uncontrolled crossing point and continuation of a shared footway/cycleway from the application site southwards along the eastern side of Beggars Lane, connecting into the shared route into New Lubbesthorpe.

An indicative concept plan has been submitted with the application to show how the site could be developed. The plan shows a central spine road with perimeter development blocks separated by landscaping. The area currently occupied by Green Acres, its garden and horse paddock and the large on-site pond form part of a large area of open space on the eastern side of the site. The farmhouse and areas of ridge and furrow close to the southern boundary of the site are to be retained with development set back from this boundary.

As the application has been submitted in outline form with all matters except access reserved, the internal layout of the site and design of the dwelling is not being assessed at this stage and the concept plan is therefore illustrative only.

Supporting Documents

The following supporting documents have been submitted with the planning application:

- Acoustics Assessment
- Air Quality Assessment
- Arboricultural Assessment
- Archaeological Desk Based Assessment
- Biodiversity Net Gain Statutory Metric
- Ecological Appraisal and Survey Reports (Bats and Birds)
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy

- Heritage Statement
- Landscape and Visual Appraisal
- Combined Phase 1 Desk Study and Phase II Exploratory Investigation
- Planning Statement
- Preliminary Utilities Appraisal Report
- Stage 1 Road Safety Audit and Designer's Response
- Statement of Community Involvement
- Transport Statement and Highways Technical Note
- Travel Plan

Planning Policy

National Planning Policy Framework

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

Paragraph 2 of the NPPF emphasises 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 8 outlines that 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

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable Development. It states that plans and decisions should apply this presumption. For decision-taking, this means:

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

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

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

Blaby District Council has published an updated housing land supply position. This update confirms that the Authority can currently demonstrate a 3.53 year housing land supply (as of 1 April 2024). This is notably less than the five-year supply requirement outlined in paragraph 78 of the NPPF. Footnote 8 of Paragraph 11 of the NPPF states that the housing policies are to be considered out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites. Following the publication of the revised NPPF in December 2024 and the Council's revised housing numbers, the land housing land supply position is likely to have further reduced.

As a consequence of the lack of housing land supply and housing policies being deemed out-of-date, Paragraph 11(d) of the NPPF is triggered. This paragraph provides that permission should be granted unless there are any assets of particular importance (as listed in footnote 7 of the NPPF) which provide a strong reason for refusing the application or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, 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. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan.

In situations where paragraph 11(d) of the NPPF applies to housing applications, but a Neighbourhood Plan is in place, paragraph 14 of the NPPF states that *"the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*

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

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 five 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 five 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. where consultation is ongoing it should only be afforded limited weight.

DEVELOPMENT PLAN

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

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

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

Policy CS1 – Strategy for Locating New Development

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

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

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

Policy CS2 – Design of New Development

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

Policy CS5 – Housing Distribution

Policy CS5 states that to focus new development in the most appropriate locations, the Council will seek to distribute housing by settlement in accordance with the table included in the policy. As the site adjoins Leicester Forest East within the PUA, its location is prioritised for new housing development.

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.

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. Regulation 122 sets out in statute 3 tests against which requests for funding under a section 106 agreement are to be measured. These tests are that the obligation is:

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

Policy CS14 – Green Infrastructure

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

Policy CS15 – open space, sport and recreation (updated in the Delivery DPD)

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

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 takes a positive approach to the conservation of heritage assets and the wider historic environment protecting and enhancing heritage assets and their settings and expects new development to make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

Policy CS21 supports development which mitigates and adapts to climate change. It refers to focusing new development in the most sustainable locations, seeking site layout and sustainable design principles which reduce energy demand and increase efficiency, encouraging the use of renewable, low carbon and decentralised energy, and minimising vulnerability and providing resilience to climate change.

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. Amongst other measures, the policy refers to directing development to locations at the lowest risk of flooding; using Sustainable Drainage Systems to ensure that flood risk is not increased on site elsewhere and managing surface water run off to minimise the net increase in surface water discharged into the public sewer system.

Policy CS23 – Waste

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

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 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.

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 through the application of locally derived standards.

DM2 – Development in the Countryside

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

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

Policy DM4 – Connection to digital infrastructure

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

DM8 - Local Parking & Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking provision within housing development which complies with Leicestershire Local Highway Guidance and is justified by an assessment of the site's accessibility, type and mix of housing and the availability of and opportunities for public transport. It states that all new

development will be required to meet highway design standards as set out in the most up-to-date Leicestershire Local Highway Guidance.

DM9 - A47 High Load Road Route

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

DM11 – Accessible and Adaptable Homes

Policy DM11 requires development proposals for housing of 20 dwellings or more to meet the Building Regulations Standard M4(2) for 5% of the dwelling unless there are site specific factors which make the site less suitable for M4(2) compliance dwellings, and/or where the applicant can demonstrate that the use of this Building Regulation Standard is not viable through an independent viability assessment to be submitted with the application. The Planning Statement submitted with the application confirms that Plots 2 and 3 will be developed to these standards, for accessible and adaptable dwelling, this will be secured by means of planning condition.

DM12 Designated and Non-designated Heritage Assets

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.

DM13 – Land Contamination and Pollution

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

Leicester Forest East Neighbourhood Plan (July 2022)

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

Policy H3 – Housing mix

Policy H3 sets out that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs of the Parish. Unless the latest evidence indicates otherwise, development proposals should

concentrate on providing dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people.

Policy H4 – Affordable housing

Policy H4 aims to meet the identified housing needs of the community and increase the level of affordable housing within the Parish by requiring, where possible, 35% of all homes on developments to be affordable, subject to viability considerations.

Policy H5 – Housing design

Policy H5 requires housing development to satisfy building design principles, including being of a density, size, scale, massing and height that reflects the character of the surrounding area, using of high standard design materials and providing suitable landscaping.

Policy ENV2 – Local heritage assets of historical and architectural interest

Kingstand Farmhouse is listed as a local heritage asset in Policy ENV2. This policy states that development proposals that affect the buildings and structures of local historic or architectural interest listed below, or their setting, will be expected to conserve the historic and architectural interest in those development proposals. Any benefits arising from a development proposal, or a change of use requiring planning approval, will need to be balanced against the scale of harm or loss and their significance as heritage assets.

Policy CF2 – New or improved community facilities

Policy CF2 states that proposals that improve the quality and/or range of community facilities, will be supported provided that the development will not result in unacceptable traffic movements or other disturbance to residential properties; provides satisfactory parking and is of a scale appropriate to the needs of the locality and conveniently accessible for residents of the village wishing to walk or cycle;

Leicestershire Highways Design Guide (2024) (LHDG)

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

Blaby 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.

Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (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 (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 (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 (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.

Strategic Flood Risk Assessment Level 1 and 2 Final Reports (2020 and October 2021)

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

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

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

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

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

Planning Considerations

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

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

- Principle of the development and 5-year housing land supply position.
- Landscape/visual impacts
- Affordable housing and housing mix
- Transport and highways considerations
- Flood risk and drainage
- Impact on heritage assets
- Design considerations
- Environmental considerations (noise, air quality, land contamination)
- Residential amenity
- Ecology and biodiversity
- Arboricultural Impacts

- Open space, sport and recreation
- Developer contributions and infrastructure/ facilities

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

The application site, whilst adjacent to the Leicester Forest East settlement boundary, lies within designated countryside as shown on the Blaby District Local Plan Policies Map (2019). It is not allocated for development, nor is the proposal noted to be an acceptable form of development in the countryside. In this context the development conflicts with Policy CS18. Nonetheless, Policy CS18 recognises that the need to retain the countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.

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). The application site adjoins the PUA and therefore 'in principle' terms the site is considered capable of delivering sustainable development in a suitable location, consistent with the adopted spatial strategy and intended housing distribution.

Leicester Forest East benefits from a 'made' Neighbourhood Plan (July 2022). The Neighbourhood Plan does not contain any housing allocations and does not define limits to development/settlement boundaries. Following examination and in accordance with the recommendations of the Examiner, the Neighbourhood defers to the Blaby District Council Local Plan (Core Strategy and Delivery DPD) on these matters. The Neighbourhood Plan does not therefore provide any additional policy provisions to guide the location of housing development. The proposals do not therefore directly conflict with the Neighbourhood Plan.

Between 2006 and 2029, the District of Blaby should provide a minimum of 8,740 houses, in accordance with policy CS1. 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 2,924). Forecast completions in the PUA to 2029 are less than half this number and it is highly unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.

Furthermore, 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 paragraph 78 of the NPPF. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application will be out-of-date. For this application for residential development, the policies of the Development Plan that relate to the supply of housing are therefore considered out-of-date and will therefore attract reduced weight in the consideration of the proposals.

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

In this instance, the application site is not in a statutorily 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, in accordance with the presumption permission should be granted unless any

adverse impacts caused by the proposal significantly and demonstrably outweigh its benefits.

It is recognised that the weight assigned to Policies CS1, CS5 and CS18 regarding the location of housing development across the District is reduced in light of housing supply shortfalls. Nonetheless, the proposed development is not considered to fundamentally conflict with the Council's overarching spatial strategy as outlined above. Additionally, the site is accessible to services, including public transport, pedestrian routes to adjoining areas and key services and facilities and would make a positive contribution to the housing supply. These factors weigh in favour of the proposal and should be taken into account in the planning balance.

Landscape and visual impacts

In accordance with Policy CS18 of the Local Plan Core Strategy consideration will need to be given to the impact of the proposal on the appearance or character of the landscape and whether this would have significant adverse effects. The assessment must also consider whether the need to retain the countryside outweighs the benefits of the development such that it would warrant a refusal of the application.

Policy DM2 also sets out criteria to be met by development proposals in the countryside. 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. Policy CS14 encourages incorporation of key landscape features such as woodlands and ponds to create high quality design and a wide range function and useful open spaces and links.

A Landscape and Visual Appraisal (LVA) has been carried out based on the Guidelines for Landscape and Visual Impact Assessment (3rd edition, GLVIA3). The appraisal notes that the site lies within the Leicestershire Vales National Character Area (NCA 94) and within the 'Thurlaston Rolling Farmland' landscape character area in the Blaby Landscape Character Assessment. The summary of overall character states,

"The LCA is primarily arable agriculture, with pasture fields located close to settlements and farms. The low-cut hedgerows and undulating landform often enable long views across the landscape. To the east, the LCA is bounded by significant amount of urban development, although this is relatively well contained by boundary vegetation. The M69 motorway and several pylon lines detract from the otherwise rural character."

The Blaby LCA describes various development pressures for the LCA including increasing urban pressures on settlement fringes and impacts on tranquillity due to increased population and traffic. However, when assessing capacity for change in the LCA, the assessment considers that there is an overall moderate landscape sensitivity to residential development

The submitted LVA does not identify the site as a valued landscape (as this is described in the NPPF) and officers concur with this conclusion.

The key landscape features on the site are the existing trees, tree groups and perimeter hedgerow. The belt of conifers that marks the southern boundary are prominent but are considered to have a negative influence upon landscape character when considered in the context of the characteristics of the landscape character area. Although the site contains some landscape features relevant to the character area, it is heavily influenced by the urban, edge of settlement location, the existing building and structures on site and pylons within the vicinity of the site. Overall, the site is assessed in the submitted LVA as having medium landscape value. Although there would be a resultant change to the landscape character of the area through the loss of pastoral to housing, in the surrounding context this effect is only considered to be minor adverse, reducing to minor/negligible adverse once planting has established. Similarly, whilst there would be some landscape impacts at the site level whilst new and replacement planting occurs, the overall effect would be moderate/minor adverse by year 15 once landscaping has matured.

In visual terms the site is generally well screened within the surroundings due to existing vegetation, although the western boundary of the site is poorly defined and without established boundary vegetation. In views from the east, the site is seen in the context of existing residential development and in views from the west, intervening vegetation along fields boundaries enables only filtered views of the site. More exposed, long-distance views are available from the south from residential receptors and nearby public rights of way. However, these views are experienced in the context of the existing settlement edge which is clearly visible to the east. From the north, views are contained by existing vegetation though glimpses of the site would be available to users of Hinckley Road and the sports grounds to the north. In summary, the majority of impacts are assessed in the submitted LVA as being minor adverse and officers concur with this conclusion.

The allocated housing site to the north of Hinckley Road (Hasting's Fields) is considered in the LVA in terms of cumulative effects. It is highlighted that as a large part of the site sits behind the existing sports clubs, intervisibility between the application site and Hasting's Fields would be limited. Receptors where both developments would be visible would be limited to Hinckley Road and the sports clubs where the effects would not be significant.

The submitted landscape and green infrastructure strategy for the proposed development includes provision of open space to the north east and south east of the site; retention of existing hedgerows and trees and implementation of new planting to mitigate for where trees will be removed (including planting to provide containment on the western boundary); removal and replacement of the conifer hedge with more sympathetic planting, providing an improved landscaping setting to the site and the area of ridge and furrow; and, creation of a filtered edge to the perimeters of the site through tree planting.

Overall, the proposed development would result in some adverse impacts on landscape character and on visual receptors, which would conflict with Policy DM2. These impacts are, however, largely localised and over time could be mitigated to a

degree by appropriate landscaping in accordance with the landscape principles outlined in the proposed landscape strategy. Given the context of the surroundings and the character of the site itself, it is considered that the area has the capacity to accommodate the proposals without impacting on the countryside's landscape character and visual amenities to such an extent that the harms would outweigh the benefits of providing housing in this settlement edge location.

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 submitted Planning Statement outlines that the applicants are willing to provide a policy compliant level (25%) of affordable housing. The provision of 25% of the dwellings as affordable housing will be secured through the Section 106 Agreement.

The Housing Strategy team also advise that a condition be included on any grant of planning permission requiring an appropriate mix of market and affordable housing and a preferred indicative mix has been provided to the applicants, comprising a mix of 1-, 2-, 3- and 4-bedroom properties and some affordable and market bungalows. The exact size and tenure breakdown for the affordable housing will be agreed as part of subsequent Reserved Matters applications, with the preferred mix forming a starting point for discussions with the Council's Housing Strategy team.

The current proposals would make a positive contribution towards meeting the affordable and general housing requirements of Leicester Forest East and the district and achieving the NPPF aim of creating balanced and mixed communities. The proposals are considered to support the aims of the affordable housing and housing mix policies in the Blaby District Local Plan Core Strategy. The provision of the affordable housing would be secured via a legal agreement and, overall, the provision significantly weighs in favour of the development.

Transport and highways considerations

Site Access

Access is a matter for detailed consideration in this application. A single point of vehicular access is to be provided for the development, utilising and improving the existing access off Hinckley Road (A47) into the application site. The access design has been an iterative process led by the comments of the Local Highway Authority (LHA). The proposed access design incorporates a 6.75m wide carriageway flanked by 10m corner radii and 3m shared footway/cycleway on both sides with a priority

crossing point. Visibility splays of 2.4m by 160m to the west and 2.4m by 120 metres to the west are proposed which are appropriate to 85th percentile vehicle speeds once alterations are carried out to the highway corridor, including a relocation of the 50mph/40mph speed limit further to the east.

The proposed off-site highway works include a ghost island right turn into the site for east bound vehicles, a central pedestrian refuge and new shared footway/cycle ways connecting the access to the proposed Hastings Field access to the west and to the Beggars Lane junction to the east. The LHA has assessed the location of the proposed access and is satisfied that it does not conflict with vehicular visibility for any other junction along Hinckley Road (A47) and that access junction spacing is in accordance with the Leicestershire Highways Design Guide (LHDG).

A shared footway/cycleway is proposed to route along the former golf course access providing a connection from the site to Beggars Lane. The shared footway/cycleway will continue southwards on the eastern side of Beggars Lane to connect to the shared footway/cycleway to New Lubbesthorpe.

Both the Hinckley Road (A47) vehicular and Beggars Lane pedestrian/cycle accesses have been subject to a Stage 1 Road Safety Audit and Designer's Response and the LHA are satisfied that both proposed accesses will be safe and suitable. Furthermore, Personal Injury Collision data has been interrogated and does not suggest that there are existing highway safety issues in the area that would be exacerbated by the proposed development.

Highway Impacts and Mitigation

The LHA has agreed the proposed trip generation, distribution and assignment with the applicant's transport consultants. In terms of the site access, modelling has been undertaken using Junctions PICADY 9 which demonstrates that this access would operate within capacity.

The Hastings Field roundabout/Hinckley Road (A47) model has been demonstrated to operate within capacity on any arm with all development scenarios not resulting in significant impacts compared to the background 'without development' scenarios. Accordingly, no mitigation is required for this junction. Similarly, no mitigation is required for the Hinckley Road (A47)/Kirby Lane signalised T-junction.

Modelling and sensitivity testing has been undertaken for pre-and post-development scenarios at the Hinckley Road (A47)/Beggars Lane signalised T-junction and the LHA considers the results to be valid. Whilst the model indicates that in future development scenarios the junction would operate within capacity within the PM peak hours, the AM peak indicates that each arm would be operating above capacity. Whilst a scheme for improvements to the operation of this junction are to be obligated for the Hastings Field development, the LHA has requested contributions from this development towards SCOOT validation (an adaptive traffic control system for managing traffic on the signalised road network).

The LHA has identified a scheme of improvement works at Hinckley Road (A47) / Leicester Lane (B582) / Desford Road (B582) 'Desford' crossroads junction which is

expected to be delivered circa 2028. The applicant's trip distribution demonstrates that less than 30 two-way development trips are predicted to go through the Desford crossroads junction during both the AM and PM peak hours. Nevertheless, given the proximity of the development site to this junction, combined with its scale, the LHA requests that a fair and proportionate contribution is made towards these works to off-set the impact of the development traffic

Walking, cycling and wheeling

Given the proximity of facilities within walking and cycling distances (2km and 5km respectively) both walking and cycling are considered potential modes of travel for future residents of the site. As noted in the access section above, the scheme includes provision for shared footway/cycleways along Hinckley Road representing an improvement on the current on-carriageway advisory cycle lines. Footway/cycleway connections are also proposed along Beggars Lane, linking the development with New Lubbesthorpe.

Public transport

The proposed development is located adjacent to the A47, a key arterial route into Leicester City, with plentiful supply of bus services operating in the area. Bus travel is therefore a potential mode of transport for future residents.

New bus stops are proposed to the west of the site on the A47 as part of the Hasting's Field development, however, whilst some future residents would benefit from this provision, it should be noted that residents towards the south of the development would be approximately more than 650 metres away from stops, more than the 400 metres stipulated in LHDG. Two new bus stops (one in each direction) are proposed to be secured by way of a S106 contribution.

The LHA considers that the first residents of each dwelling should be offered up to two free bus passes valid for six-months to encourage modal shift to bus travel. This could be secured by way of a Section 106 agreement.

Travel Plan

A travel plan has been submitted with the application, however, the LHA have asked that the travel plan is amended to outline clearer actions for promoting active and sustainable travel and a timeline of when actions would take place and who would be responsible for this. A condition is recommended to secure submission of the revised travel plan and its implementation.

In conclusion, it is considered that the proposed development is compliant with policies CS10, DM8 and T1 of the development plan. Paragraph 116 of the NPPF states that *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."* The LHA has advised that the development would not result in unacceptable impacts and therefore their refusal on highway grounds would not be warranted.

Flood risk and drainage

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

The application has been supported by a Flood Risk Assessment and Drainage Strategy which identifies the site as lying fully within Flood Zone 1 and therefore at low risk of fluvial and tidal flooding and at low to medium risk of surface water flooding. The proposed surface water drainage strategy will comprise a piped network with two attenuation/detention basins which outfall to a water course. These basins have been designed to accommodate all surface water flows up to the 1 in 100-year storm events plus 40% climate change allowance and 10% allowance for urban creep. Following comments from the Lead Local Flood Authority (LLFA), who is a statutory consultee for this development, the surface water drainage strategy has been revised to include SuDS measures within the site and further clarification has been provided in respect of the on-site and adjacent off-site surface water features and their drainage function. The LLFA has confirmed that they are satisfied with the outline drainage strategy and have recommended conditions as outlined at the start of this report.

Foul water will connect to the Severn Trent Water asset on Forest House Lane which will require a new adoptable pumping station which is to be located within the south of the site. Severn Trent have provided confirmation to the applicants within the Utilities Appraisal report that the existing sewer system has capacity to accept the foul water flows from the proposed development.

Subsequent to the LLFA's confirmation that the development proposals were deemed acceptable, the Gov.uk surface water flood maps were updated with Environment Agency data which now places part of the frontage of the site next to Hinckley Road, including the proposed access within an area at high risk of surface water flooding (this area was previously shown to have no surface water flood risk).

Though the LLFA have not objected to the proposals on grounds of surface water flood risk, the NPPF is clear that inappropriate development in areas at risk of any form (emphasis added) of flooding should be avoided by directing development away from areas at higher risk. As the surface water high-risk flood area impacts on the access, it is not possible to 'design around' the risk. In accordance with paragraph 175 of the NPPF a sequential test has been carried out and submitted by the applicants.

The sequential assessment has considered sites across the whole of the District and has considered sites included within the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2019, sites the subject of planning applications for housing and sites available on the market. The methodology has also been

agreed with the Council's planning teams. In total 27 sites were assessed as part of the sequential test. The majority of sites assessed were at a comparable risk of surface water flooding to the application site and are not therefore considered to be sequentially preferable. Overall, the assessment has identified two sites that are sequentially preferable to the application site that would be capable of accommodating a similar development and that are reasonably available. The sequential test has not therefore been passed which is a significant detracting factor in consideration of the proposals.

An additional surface water flood risk technical note has also been submitted alongside the sequential assessment. The technical note outlines that the surface water risk in the GOV.uk mapping results from existing depressions within the site, which would not remain after development due to the modified land levels associated with development. As a result, the access and development itself would not be at risk of flooding. The technical note, however, recognises that raising land levels as part of the development could potentially displace surface water currently held by these lower levels, increasing flood risk elsewhere. To address this point, two additional surface water storage areas are indicated to the north of the site to provide equivalent storage volumes to mitigate for the loss of existing surface water storage as a result of development. The LLFA has been consulted on this additional information and they have raised no objections, reiterating the previously recommended conditions.

Impact on heritage assets

The site does not contain any statutorily designated heritage assets though the historic farm buildings are considered to be non-designated heritage assets (NDHAs). An area of medieval ridge and furrow also survives in the southeastern corner of the site.

Outside the site a scheduled monument comprising a medieval 'rabbit warren' is situated to the south east of the application site. The submitted Heritage Statement (HS) also notes two Grade II listed buildings and a further NDHA within the search area. These latter buildings are far enough away for their settings not to be affected by the proposed development and they are not therefore considered further.

Policies CS20 and DM12 seek to preserve and enhance the cultural heritage of the District and recognise the need for the Council to take a positive approach to the conservation of heritage assets. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting. In respect of non-designated heritage assets, policy DM12 states that a balanced consideration will be applied to proposals which may impact on these assets.

Paragraphs 212 – 215 of the NPPF are relevant and set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of assets of the highest significance, including scheduled monuments should be wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 216 of the NPPF states that when weight applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required.

Impact on Designated Scheduled Monument – Rabbit Warren 180m northeast of The Lawn

The scheduled monument is of significant archaeological interest relating to its construction and use for the breeding and management of rabbits and hares in order to provide a constant supply of fresh meat and skins. It is dated to the medieval period and likely to be contemporary with surrounding ridge and furrow and other features in the landscape that date from this period. The remains represent a rare surviving example of the large scale adaptation of a nature feature of warrening within an area of otherwise intensive cultivation. The surrounding rural landscape is therefore an important part of the setting of this feature and adds to the understanding of the medieval agricultural landscape.

It is acknowledged that new residential development will further erode the rural landscape which forms part of the setting of the Scheduled Monument, however, this needs to be considered in the context of the surrounding development. The setting of the Scheduled Monument is currently a mix of urban and rural landscapes and the proposal would not result in residential development encroaching any further south than the adjacent housing. The Concept Plan identifies the area to the south of the site as being retained ridge and furrow with new native hedgerow proposed to replace the existing conifer hedge to the southern boundary which is, itself has an urbanising influence on the monument's setting. It is noted in the proposals that it is intended to provide heritage signboards which would be a further enhancement that could be secured through a planning condition.

Historic England has been consulted on the application, however, their response advises that they do not wish to provide comments on the proposals on this occasion. The Conservation Officer does not consider that the proposal will cause significant harm to the setting of the scheduled monument, subject to any outline consent securing retention of the south-eastern corner of the site as an undeveloped area to maintain a rural offset between the scheduled monument and the new housing.

Non-designated heritage assets – Kingstand Farm

The existing farmhouse on the site, Kings Stand Farm, is considered in the Leicester Forest East Neighbourhood Plan to be a non-designated heritage asset (NDHA). It comprises a 19th century farmhouse and associated farm buildings. The significance of the farmhouse lies in its age, materials and surviving architectural details. Whilst not worthy of statutory protection, it is a good example in this area of a Victorian rural

farm complex and the traditional farm buildings that remain at the site are part of the setting of the asset

The farmhouse and its contemporary complex of farm buildings are in a poor state of repair, nonetheless, it is still evident on site that the farm buildings have a historic relationship with the farmhouse. The originally submitted application did not provide clarity in respect of the proposals for the older farm buildings and the concept plan was suggestive of their demolition. Contrary to the assertions in the submitted Heritage Statement, the Council's Conservation Officer has advised that the historic farms buildings contribute to the setting of the farmhouse and assist with understanding the historic farming function of the site. Whilst the wider setting of the site has some significance to the farming enterprise, it is the buildings forming the farm courtyard that have the greatest significance to the understanding of the non-designated asset.

Extensive discussion has taken place with the applicants and whilst this is an outline application, some parameters have been established that seek to ensure that a courtyard of buildings is retained around the Kingstand farmhouse. Given the condition of the buildings, it is not known at this stage whether they are structurally capable of re-use, however, should their demolition be proven to be necessary it has been agreed with the applicants that an arrangement of buildings, emulating the form and arrangement of the historic farm courtyard should be provided.

To secure an acceptable scheme that respects the setting of the farmhouse, a structural survey is required to be submitted with the reserved matters to assess the potential for any of the buildings to be retained. A condition is also recommended that provides parameters for an acceptable scheme, including retention of an open courtyard (without gardens), building depth and use of reclaimed materials.

Archaeology

The evaluation undertaken in respect to the previous planning application (17/01735/FUL) identified a localised area of significant buried archaeological remains with potential for evidence of further early Roman activity. Whilst the application has been accompanied by an archaeological desk-based assessment, to ensure that the impact of the development upon archaeological significance is properly considered, a condition is recommended requiring an initial phase of exploratory trial trenching to inform an archaeological mitigation scheme.

In addition, given the potential impacts upon the non-designated heritage asset, Kingstand Farmhouse, Level 2 historic building recording is recommended prior to its alteration. This should be secured by condition.

Summary of heritage impacts

The changes to the setting of the scheduled monument are considered to result in less than substantial harm to its significance. In this case, the provision of housing, including affordable housing, is a public benefit of the proposed development. Heritage enhancements in the form of more sympathetic landscaping and interpretation boards are also benefits of the proposal. Giving great weight to the

conservation of the asset, the public benefits are considered to outweigh the less than substantial harm to the scheduled monument.

In addition, the restoration and re-use of the non-designated farmhouse and retention of its immediate courtyard is considered on balance to outweigh any harm to its setting as a result of the surrounding proposed residential development.

Design Considerations

As the application is in outline form, with only means of access to be considered, the concept masterplan submitted with the application is illustrative only. Nonetheless, it provides details of how the site could potentially be developed.

Policies CS2 and DM2 seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character, and ensuring that design contributes towards improving the character and quality of an area and the way it functions. They further seek to create places of high architectural and urban design quality to provide a better quality of life for the district's local community.

The area immediately to the east of the application site comprises extensive areas of modern housing development. In this respect, the indicative masterplan is suggestive of a development that would be in keeping with the character and appearance of the surroundings.

The concept plan has been landscape led with the existing network of trees and hedgerows within the site providing structure and a framework for the development. This will be strengthened with the addition of new planting to the western site boundary of the site, which currently lacks any definition, and around the open space. There are significant areas of open space proposed for the site which provide strong green infrastructure for the site, retention of historic ridge and furrow and an attractive environment for the new housing. Play space is to be provided on the site which would serve the needs of future residents.

The retained farmhouse and a courtyard of buildings will provide a focal point for the site with opportunity for other 'nodes' within the site to aid legibility. The concept plan indicates housing laid out in perimeter blocks which will allow the creation of active frontages.

The proposed density of the development (assessed against the 'developable area' of the site, not the overall site area) would be 34 dwellings per hectare. The submitted design and access statement indicates that this would be mostly up to 2 storeys in height with some bungalows. Whilst the suggested density is slightly greater than that of the adjoining housing site (approx. 30 dwellings per hectare), it is considered to strike an acceptable balance between respecting the character of the area and efficient use of the land. In addition, this is balanced by significant areas of open space on the site and an indication in the design and access statement that lower density development would take place around the outer edges of the development parcel.

In terms of connectivity, land ownership constraints have prevented any form of access to the adjoining housing. However, the footway/cycleway to the south of the site will provide good links to Beggars Lane, areas within Leicester Forest East and the nearby New Lubbesthorpe. The concept plan also indicates potential for linkages to land to the west to demonstrate how a comprehensive form of development could be achieved, if required, at some point in the future.

In summary, it has been demonstrated at this outline stage that the site could deliver a development of acceptable design which would be compliant with policies CS2 and DM2.

Environmental considerations

Policy DM2 seeks to ensure that development 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. Policy DM13 relates to land contamination and requires that any adverse impacts can be satisfactorily mitigated.

Noise

The development proposals have been supported by an Acoustics Assessment (July 2024) which identifies Hinckley Road as the main noise source. The assessment identifies that following good acoustic practice, including incorporating a stand-off distance from Hinckley Road and using dwellings to screen private garden areas, satisfactory noise levels can be achieved in external areas. Some mitigation measures are likely to be required to the most noise sensitive plots, which is likely to be achieved through dwelling design.

Blaby District Council's Environmental Services team have been consulted in respect of potential noise impacts. They consider the proposed mitigation proposals to be reasonable, however, as this is an outline application, detailed measures will require further assessment as part of the reserved matters. A condition is therefore recommended to require an updated acoustics assessment and mitigation proposals to support the reserved matters application. In summary, noise is not a constraint to residential development on the site.

Air Quality

The Leicester Forest East Air Quality Management Area (AQMA) 3 has been revoked, however, an air quality assessment has been undertaken to examine the impact of development generated road traffic emissions upon residents along local roads. The assessment indicates that traffic related pollutants PM₁₀ and PM_{2.5} are predicted to remain below the relevant annual mean objective levels with the impact of development classed as negligible. Mitigation measures that will be included within the development include opportunities for pedestrian and cycling and electric vehicle charging to help reduce emissions. Blaby District Council's Environmental

Services Officer has not raised any objections to the development on the grounds of air quality.

Land Contamination

A combined Phase I Desk Study & Phase II Exploratory Investigation has been submitted with the application which appropriately examines previous site usages and potential contaminants. The Conceptual Site Model developed concludes a 'low' to 'moderate' risk regarding potential contamination linkages for human health and controlled waters. Consideration has also been given to ground conditions and their suitability for development purposes. To ensure that any potential contaminants, including asbestos, are satisfactorily remediated in order that the site can accommodate residential development, the Environment Services Officer has recommended a condition requiring completion of an asbestos survey and submission of a Remediation Method Statement, Verification Plan and Verification Report. In respect of contamination issues, the site is considered suitable for housing.

Construction

Construction impacts are considered in both the submitted Acoustics Assessment and Air Quality Assessment. The reports recognise that construction has the potential to affect nearby residents and outline methods that could be employed to ensure that neighbouring housing is not adversely impacted by the construction activities at the site. These include controlling working hours and using dusts suppressing measures. As precise site operations are not yet known and in accordance with advice from the Environmental Services office, a Construction Environmental Management Plan (CEMP) should be submitted by condition. This document can be combined with the Construction Traffic Management Plan requested by the Local Highway Authority.

Residential amenity

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

The nearest existing residential properties to the application site are those on Kirkwood Close, Ranger Close and Bosworth Way. These are separated from the application site by a substantial hedge and adjoin the areas of the development site that are proposed for open space or where a landscape buffer will be incorporated.

There is nothing to indicate in the concept masterplan or supporting reports that future residents would not enjoy satisfactory levels of amenity.

The site is therefore considered to be compliant with Policy DM2 in terms of ensuring that existing and future residents will enjoy acceptable standards of residential amenity.

Ecology and Biodiversity

Ecology Appraisal

Policy CS19 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.

The application has been supported by an Ecological Appraisal of the site which has examined the habitats on the site and species present. The site does not contain any statutory designated sites for nature conservation, however, two candidate Local Wildlife Sites (cLWS) were located within the site; one of these is a small pond adjacent to the existing access track from Hinckley Road into the site which will be lost as part of the development. To mitigate for this a new pond is to be created with the site's north eastern area of open space. The second cLWS is an ash tree along the site's southern boundary which is to be retained as part of the proposals.

Habitats on the site include species poor grassland, broadleaved woodland, mixed woodland, scrub, hedgerows and trees. Hedgerows, mature trees and ponds are habitats classified as Habitats of Principal Importance and the majority of these are to be retained (includes two sections of hedgerow classed as being 'important' under the Hedgerow Regulations). No badgers, reptiles or water voles were identified as using the site.

Three ponds within a 250m radius of the site have been identified as being used by Great Crested Newts (GCN) via eDNA sampling. Although no ponds within the site were identified as providing a positive eDNA result for the presence of GCN, habitats provided suitable opportunities for GCN commuting, foraging and sheltering. As such a European Protected Species Licence (EPSL) will be required from Natural England to facilitate development. A mitigation strategy has been devised entailing provision of a receptor site and permanent reserve area and a site clearance methodology.

Specific surveys have been undertaken in relation to birds and bats. Roosting pipistrelle bats were recorded in one of the golf course buildings proposed to be demolished. A Natural England licence will therefore be required for these works. A mitigation strategy including provision of bat boxes is proposed. No significant impacts upon the bat population are anticipated. The bird survey recorded a number of species on the site that appear on the red or amber lists and/or are listed as priority species. Loss of habitat on the site could potentially impact on bird species and suitable habitat enhancements are recommended which incorporate species rich grassland and new tree and hedgerow planting. Installation of nest boxes are also suggested.

Biodiversity Net Gain

The application is subject to mandatory Biodiversity Net Gain (BNG) and will be subject to the BNG condition. The submitted BNG metric is deemed to be acceptable by the County Ecologist and a 10% net gain in area habitats and a 42%

gain in linear habitats (hedgerows) through on-site habitat creation and enhancement has been demonstrated. As this is an outline application and the masterplan is illustrative only, the BNG metric will need updating at reserved matters stage.

Ecology and Biodiversity Summary

The development will have some impacts upon ecology and biodiversity on the site, however, the application proposes suitable mitigation and the County Ecologist has not raised any objections to the proposals. As per the mandatory BNG condition, a Biodiversity Gain Plan and will be required to be submitted prior to development. A Habitat Management and Monitoring Plan (HMMP) (to be secured via the S106 Agreement) is also necessary to demonstrate how the biodiversity net gain is to be maintained over 30 years. In accordance with the recommendations of the County Ecologist submission of a Construction Environmental Management Plan (Biodiversity) is to be required by condition. In addition, a condition is proposed requiring submission of a Biodiversity Enhancement Management Plan (BEMP), to be informed by the recommendations in the submitted ecological appraisals, in order to secure the proposed ecological enhancements to the site. With the imposition of the recommended conditions, it is considered that the proposals are compliant with Core Strategy policy CS19.

Arboricultural Impacts

An Arboricultural Assessment has been submitted with the application and has been carried out in accordance with with guidance contained within British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

Across the site a total of twenty-nine individual trees, twenty four groups of trees and three hedgerows were surveyed as part of the Arboricultural Assessment of which two trees were recorded as high-quality category A. Seven trees and two groups were recorded as moderate quality and category B. The remaining seventeen trees, twenty two groups and three hedgerows were low in quality and retention category C. Three trees were recorded as category U, unsuitable for retention. Individual specimens included in the survey were predominantly ash. Further species across the site included English oak, field maple *Acer campestre*, sycamore, holly and hawthorn. A number of groups of conifers are present in small groups or as linear features across the site.

To facilitate the proposed development, some trees will require removal; these are largely internal to the site with the perimeter trees/hedges being retained. The majority of the trees to be lost are Category C trees, however, the development as indicated on the concept plan will also result in the loss of the two category B groups of trees (G13 and G18) and one category B tree (T21). All category A trees and mature specimen trees are indicated to be retained within the development (including the ash tree identified as a candidate Local Wildlife Site).

The proposed removal of the conifer hedgerows in the south of the site (G1, G7 and G9) would enable more appropriate native landscaping to be established. Additional

planting is also proposed to strengthen existing features and provide newly planted areas and in the view of the Council's arboricultural advisor, would potentially mitigate for any loss.

As the application is only in outline form, LCC Forestry has advised that a detailed tree planting and landscaping plan will be required in addition to a full arboricultural impact assessment and method statement to ensure that the final design can be implemented without impact upon the tree proposed for retention. This information can be secured by condition.

Open space, sport and recreation

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

To achieve this, policy CS15 sets standards for the provision of open space, sport and recreation per 1000 population in the District, and indicates that these standards will be used to ensure that development proposals provide sufficient accessible open space, sports and recreation, taking into account any local deficiencies. It states that new on-site provision or, where appropriate, financial contributions to improve the quality of, or access to existing open space, sport and recreation facilities, will be expected and commuted maintenance sums will be sought.

Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document 2024 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 where the area is of sufficient size to be of recreational value.

Golf course

The golf club has been permanently closed since c.2013 (according to internet searches). There have been no planning applications concerning the golf course use since 2010 (retention of two flats above the pavilion building; already noted in the officer's report at that time to be in a state of disrepair) and no enquiries have been received relating to the potential resurrection of the golf course use. The site has not been included or assessed within the Council's open space audits (2015 and 2019) and is not included or assessed as part of existing golf provision in the Blaby District Council Playing Pitch Strategy Assessment Report 2020. Sport England have been consulted on the application and have offered no comments on the application. It is therefore reasonable to conclude that proposed residential

development on a small section of the golf course would not result in the loss of an existing sports facility.

On-site open space provision

Based on the requirements of Policy CS15, the table below outlines the amounts of public open space required to serve the development. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of 145 dwellings would have a total population of 348 people). This is consistent with the average estimated household sizes in the 2021 Census of 2.42 for Blaby District.

Type	Policy CS15 standard ha/1000pop	Development Requirement in ha	On-site Provision (ha)
Parks and Recreation Grounds	0.23	0.08	0.00
Natural greenspace	2.6	0.9	2.84
Informal Open Space	1.0	0.35	1.4
Provision for children and young people	0.06	0.02	0.06
Total Open Space (ha)		1.35ha	4.3ha

The application details that a total of 4.3ha of open space can be provided on site (excluding SuDS infrastructure), including provision of children's play space (a Local Equipped Area for Play (LEAP) and some informal natural play space in the north and south of the site respectively. The overall area of open space proposed on-site exceeds the required quantum and shows an overprovision for each of the typologies being provided on site, with the exception of parks and recreation grounds. Provision within the parish for this type of open space is provided for by Forest Park which meets accessibility criteria for the site and is also a good quality facility.

Notwithstanding satisfactory provision of this type of open space within the vicinity of the site, Leicester Forest East Parish Council were contacted in respect of provision of parks and gardens and advised that no contributions would be sought. It is recognised that some of the areas may have limited access for Biodiversity Net Gain purposes. However, in most instances biodiversity planting is located alongside accessible open space and thus it is still capable of being appreciated by residents for its natural and visual amenity qualities. It has therefore still been counted as contributing towards natural greenspace on the site. The Section 106 agreement can ensure that a minimum amount of open space is provided and maintained on the site.

Off-Site Contributions

Allotments

Updated Policy CS15 of the Delivery DPD sets a standard of 0.25 hectares per 1000 people for allotments, meaning the development would result in a requirement for

0.09 hectares of additional allotment space. There are no allotments within Leicester Forest East and a deficiency in allotments across the District as a whole. Kirby Muxloe allotments on Desford Road are the nearest allotments to the site, albeit beyond the ideal accessibility distance. As there is an existing shortfall in provision within the area a contribution to off-site allotment provision and maintenance is justified and could be used towards the purchase of additional land. The contribution can be secured via the Section 106 agreement.

Cemeteries

Updated Policy CS15 of the Delivery DPD sets a standard of 0.21 hectares per 1000 people for cemeteries, meaning the development would result in a requirement for 0.07 hectares of additional cemetery space. There are no cemeteries within Leicester Forest East, with the nearest cemetery being located on Desford Road in Kirby Muxloe. As such, a contribution to cemetery provision is justified. Kirby Muxloe Parish Council has advised that the existing cemetery on Desford Road is reaching capacity, and that they have had discussions with neighbouring landowners about purchasing additional land in the past but have not managed to agree a purchase. Contributions for cemetery provision and maintenance can be sought via Section 106 agreement and could be used to either expand the existing cemetery or acquire an additional site.

Sports Provision

The Council's Health and Leisure team provide guidance on requirement for sports facilities in the district. The Sport England's Playing Pitch Calculator and the Council's Playing Pitch Strategy have been used to identify the additional demand for sports facilities as a result of the development, along with an assessment of existing sports provision in both Kirby Muxloe and Leicester Forest East to identify to extent to which this additional demand can be met through existing facilities. A contribution of £232,204 has been requested to be directed towards the following and will need to be secured through the S106 Agreement:

- Improvements to Kirby Muxloe Recreation Ground, which has poor pitch quality, to meet demand for football provision in Blaby North Area
- Funding towards new 3G provision identified for New Lubbethorpe to address existing deficiencies in the Blaby North area.
- Provision of ancillary facilities at Leicester Forest East Tennis Club to support inside play and capacity of the club.
- Improvements to cricket square at Kirby Muxloe Recreation Ground to support growing demand for cricket in the area.

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).

Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, as set out in Regulation 122 of The Community Infrastructure Regulations 2010. Planning obligations, in the form of Section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Planning obligations are sought in line with the 'Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document 2024.

The following contributions have been requested:

Leicestershire County Council Education Provision

The development is expected to yield 44 primary age children and the three schools (Stafford Leys, Fossebrook and New Lubbethorpe primary schools) within 2- miles of the site will have a deficit of 131 places if the development goes ahead. Whilst ordinarily S106 funding would be used to extend the catchment school, Stafford Leys Primary School does not have the potential for extension to accommodate the additional pupils. To accommodate capacity issues created by the proposed development, it is proposed that the spaces will be built at the new primary school on the Hasting Field development. Taking into account construction costs and the places required a total contribution of £1,712,181.80 is requested.

Regarding secondary education, the development will yield 25 secondary aged children. A deficit of 79 places is identified within the two secondary schools within 3-miles of this development (South Charnwood High School and The Winstanley School). Whilst ordinarily funding would be requested to expand the catchment school, the secondary school proposed to be built at New Lubbethorpe will be within 2 miles of the site and will become the development's catchment school. Accordingly, as with the primary sector, a contribution is requested towards the new secondary school of £1,333,690.80.

For the post-16 sector the development will yield 5 pupils. Post-16 providers within the 3-mile catchment of the development will have a deficit of 59 places if the development goes ahead. As with the secondary sector outlined above, a contribution of £141,882.00 is requested towards post-16 places at the new Lubbethorpe secondary school.

Regarding SEND education, the development will yield 2 SEND children. When taking into account SEND schools within 2 miles of the site, there is an overall deficit

of 18 places. A contribution of £81,850.23 is therefore requested towards SEND provision.

There are no requirements for Early Years provision due to space capacity in provision within the local area.

The total overall request for education across all sectors for the proposed development equals £3,269,604.83.

Libraries

The nearest library to the development is Leicester Forest East 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 £4,318.27 is sought to provide improvements to the library, its stock and facilities.

Waste contribution

LCC has requested a contribution towards the nearest waste collection facility at Whetstone based on the additional site pressures due to the proposed dwellings and would contribute towards its development or any increased capacity requirements. A contribution of £3,413.41 is sought to be used for site reconfiguration, including the development of waste infrastructure to increase the capacity of the Whetstone Household Waste and Recycling Centre (HWRC), or any other HWRC directly impacted by the development.

Health Care

The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £112,288.00 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. The ICB response identifies Warren Lane Surgery, Forest House Medical Centre, Kingsway Surgery -Thorpe Astley Community Centre as the local GP provision that would be directly affected by growth, however, the ICB request a flexible approach to the use of the funding.

Police

Leicestershire Police has advised that the proposed development will result in an increase in policing demand as a result of the additional residents in the area. Discussion has taken place between Leicestershire Police and the District Council, outside of this application, on the CIL compliance of their developer contribution requests. Taking these discussions into account it is considered that the following requests are considered to comply with the necessary test and should be incorporated within any S106 agreement:

- Contribution of £3,787.09 towards police vehicles

- Contribution of £9,062.50 towards identification technology (e.g. ANPR, CCTV)

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 £7,105 would therefore be required of a scheme of 145 dwellings.

Summary

The planning obligations which have been requested and are deemed necessary to mitigate the otherwise unacceptable impacts of this development and comply with the requirements of policy are set out in the recommendation at the beginning of this report. The applicant has agreed, in principle, to the planning obligations requested, with the final amount of some of the obligations being subject to further discussion and negotiation before being finalised. The Section 106 agreement will be completed and signed prior to any planning permission being issued.

Other material planning considerations

The proposed development falls within the description contained in paragraph 10(b) (ii) of Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations and as such a Screening Opinion was carried out. The Screening Opinion concluded that there was no evidence to suggest that the development would cause significant harm to the environment when judged against the selection criteria set out in Schedule 3 of the Regulations in terms of the characteristics of development, location of development or the characteristics of the potential impact.

An agricultural land quality report has not been submitted with this application. However, a supporting report was submitted with application 17/1735/FUL which identified that the land forming the site area largely falls into agricultural land classification subgrade 3(b) - The NPPF seeks to protect the best and most versatile agricultural land which is categorised as land graded within 1-3(a). Development of the site would not therefore conflict with the requirements of the NPPF.

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.

The development would be located in an area of designated countryside and does not fall within any of the forms of development deemed appropriate for that location and is therefore in conflict with policies CS18 and DM2, which seek to protect the

open and undeveloped nature of the countryside. Although the application accords with a number of other policies in the plan and is not at odds with the neighbourhood plan, the fact that the proposals are contrary to the key policies that seek to guide the location of development places the proposal in conflict with the Development Plan. However, in this case, other material considerations are considered to indicate that a determination other than in accordance with the Development Plan may be appropriate.

The provisions of the NPPF are a material consideration in the assessment of the development and as set out earlier in the report, the presumption in favour of sustainable development set out in paragraph 11(d) applies due to the shortfall in the Council's housing land supply

The NPPF sets out clearly at paragraph 14 that where the presumption in paragraph 11(d) applies to applications for housing, the adverse impact of allowing development in conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits in circumstances where the neighbourhood plan became part of the development plan five years or less before the date of the decision; and (emphasis added) the neighbourhood plan contains policies and allocations to meet its identified housing requirement. The Leicester Forest East Neighbourhood Plan was made in July 2022, within the five-year timeframe, however, it does not contain any policies or allocations to meet its housing requirements. The neighbourhood plan does not therefore act as a constraint on the application of the tilted balance as set out in paragraph 11(d).

The proposals would entail development of part of the site (around the point of access) that is noted to be at risk of surface water flood risk. A sequential test has been undertaken by the applicants and has been failed due to the identification of alternative sites at lower risk of flooding. However, a recent court judgement (*Mead Realisations Ltd v SoS HCLG [2025] EWCA Civ 32*) has established that failure of the sequential test is not automatically fatal to a planning application.

Balanced against the failure of the sequential test is the fact that the planning policy team has indicated that it is likely that future housing allocations with some level of surface water flood risk in order to meet the housing requirements over the next plan period and that most of the available sites in the Strategic Housing and Economic Land Availability Assessment (SHELAA) are impacted by surface water flood risk. Furthermore, in the challenging housing land supply situation, even if the sequentially preferable sites identified in the sequential test were brought forward for development, additional sites would still be required to meet the District's housing needs.

Additionally, the site is located adjoining the PUA, which is the preferred location for development given the sustainability benefits that the location offers, but where housing supply has been constrained by the complexities associated with delivering large scale housing sites. The application site could support further PUA housing delivery of both market and affordable housing and associated benefits within a five-year timeframe.

The technical work that has been undertaken on flood risk has demonstrated to the satisfaction of the LLFA, the statutory consultee for such matters, that surface water drainage can be managed within the site such that future residents and housing would not be at risk of flooding and that the development would not increase surface water flood risk elsewhere.

Overall, the failure of the sequential test is a significant negative factor that weighs against the development, however, this is mitigated by considerations outlined above which reduce the overall weight attached to this matter to a moderate weight. Accordingly, it is not considered that the application of national policies to the flood risks associated with the development provide a strong reason for refusing the development proposals.

In the absence of any constraining factors, the 'tilted balance' is therefore engaged in full as set out in paragraph 11(dii) due to the housing land supply position. This states that planning 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, 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.

In terms of adverse impacts, as noted above, the failure of the proposals to pass the sequential test is mitigated by other considerations and these harms are afforded moderate weight. The development would also result in some adverse landscape and visual impacts, although these are largely localised and would lessen over time as planting matures.

There would be some impacts on protected species on the site which are to be addressed through mitigation strategies. Some loss of existing site features including an area of woodland would occur and new planting would be undertaken to mitigate this loss, however, a full planting scheme does not form part of the outline proposals. Overall, these harms are therefore given moderate weight.

The conflict with the Development Plan in respect of the countryside location of the application site is an adverse impact of the proposals. However, the NPPF establishes that in light of the District's housing shortfall, these policies are out-of-date, and this matter therefore attracts limited weight in the planning balance.

The proposals would result in limited harm on the setting of the rabbit warren schedule monument and non-designated heritage asset. The less than substantial harm is outweighed by the public benefits arising from the developments. All other technical matters (ground conditions, noise, air quality, amenities) can be appropriately addressed or mitigated and, in so far as they relate to these matters, the proposals are in compliance with the policies of the development plan. A satisfactory access design has been proposed and mitigation measures will be secured in relation to highways impacts. These matters afford neutral weight in the balance.

Developer contributions are also requested where appropriate to mitigate the impacts of the development where necessary and make it acceptable in planning terms and address the needs generated by the development itself. As such, neutral weight is attached to this matter.

In terms of benefits, the development would make a modest contribution to economic objectives through construction related employment, albeit that this would be for the construction period only. Limited weight is given to this consideration.

The development scheme would also provide open space and biodiversity benefits that go beyond the statutory minimum. Whilst these benefits would largely exist for future residents of the scheme, these elements of the development would bring some wider benefits for the area generally and could be enjoyed by other residents of the area. These matters attract moderate weight.

The proposed development would provide up to 145 dwellings in a location which has already been identified within Policy CS1 as being a suitable and sustainable location for new development, with access to key facilities and public transport within walking and cycling distance of the site, provide realistic opportunities for active travel. Furthermore, in addition to providing new market housing to address existing shortfalls, the development will provide affordable housing to meet the significant needs for this within the District. In combination, these are significant benefits of the development which would fulfil social objectives and therefore attract substantial weight in consideration of the proposals.

In conclusion, while some limited harm has been identified, these impacts are not considered significant enough to outweigh the substantial benefits of the proposal in providing housing to meet the District's requirements in a sustainable location. Therefore, the application is recommended for approval, subject to the conditions outlined at the beginning of this report and a Section 106 agreement to secure the listed obligations.

24/0976/OUT

**Registered Date
18 November 2024**

**Mr and Mrs Anthony and
Linda Hatson and Moore**

Outline application for 9 new dwellings (access and layout only, all other matters reserved) and demolition of dwelling.

2 Spring Gardens, Sapcote

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

RECOMMENDATION:

THAT APPLICATION 24/0976/OUT BE REFUSED FOR THE FOLLOWING REASONS:

1. The application proposes the development of 9 detached dwellings on land designated as Countryside on Blaby District Council's adopted Local Plan Policies Map 2019 and as Local Green Space under Policy FV5 of the Fosse Villages Neighbourhood Plan. Policy CS18 of the Blaby District Local Plan Core Strategy (2013) states that planning permission will not be granted for built development, or other development which would have an adverse impact on the character and appearance of the landscape. The proposal would represent an unwarranted encroachment of development beyond the edge of the built-up area of Sapcote representing visual intrusion in the Countryside. Policy FV5 of the Fosse Villages Neighbourhood Plan does not support development on Local Green Spaces that would harm the openness or special character, significance or value to the community and dividing the site for 9 dwellings would not comply with the aims of Policy FV5. It is concluded that the benefits of the provision of 9 new dwellings would not outweigh the identified harm. Accordingly, the application fails to accord the relevant provisions of the National Planning Policy Framework and planning practice guidance, Policies CS1, CS2, CS5 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document, Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document and Policies FV5 and FV8 of the Fosse Villages Neighbourhood Plan.
2. The proposed development would result in the loss of allotment land. It has not been demonstrated whether the loss of the allotments in Sapcote would result in an overall shortage in Sapcote or within walking distance. It has also not been demonstrated whether the land is needed for another type of open space, sport or recreation, or whether alternative provision can be provided in the local area to compensate the loss. It is considered therefore that the loss of the use of this green space would be unacceptable and would fail to accord with the Open Spaces Audit (2019), Policy CS15 (as updated) of the Blaby District Local Plan (Delivery) Development Plan Document and Policy FV5 of the Fosse Villages Neighbourhood Plan.

3. The applicant has failed to demonstrate that safe and suitable access for all users would be provided as required by paragraph 115 of the National Planning Policy Framework (2024), Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document, Policy DM8 of the Blaby District Local Plan (Delivery) Development Plan Document and Policy FV6 of the Fosse Villages Neighbourhood Plan.
4. Under the statutory framework for Biodiversity Net Gain, development must deliver at least 10% increase in biodiversity relative to the pre-development biodiversity value of the onsite habitat. The applicant has provided insufficient information to demonstrate that the biodiversity objective would be met. Furthermore, a S106 agreement has not been submitted to secure off-site gains on land outside the development site and to secure the necessary local authority monitoring payment. Accordingly, the application fails to accord with the statutory framework for Biodiversity Net Gain, the National Planning Policy Framework, the relevant planning practice guidance, Policy FV4 of the Fosse Villages Neighbourhood Plan, the Blaby District Council Planning Obligations and Developer Contributions SPD and Policies CS12 and CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document.
5. The applicant has provided insufficient information as regards the potential impacts of the development on protected species and the scope to avoid or mitigate any impacts. Accordingly, the proposal fails to accord with the provisions in the National Planning Policy Framework and planning practice guidance relating to conserving and enhancing the natural environment, Policy CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document and Policy FV4 of the Fosse Villages Neighbourhood Plan.
6. The layout of the proposal provides an unacceptably designed development. The irregular area of the site and location of the access results in an excessive internal roadway alongside plot 1 and the layout fails to present a “fair face” to the surrounding land and roads. The layout fails to ensure the trees and hedgerows can be retained and enhanced in a manner which would not result in implications for useable private amenity space on plots 3, 4, 5 and 6 and without overshadowing the dwellings on plots 5, 6, 7, 8 and 9. Accordingly, the proposal does not accord with the provisions in the National Planning Policy Framework and planning practice guidance relating to design quality, Policies CS2 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document, Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document and Policies FV6 and FV8 of the Fosse Villages Neighbourhood Plan.
7. The applicant has failed to demonstrate that the layout and design of the development would enable the District Council's refuse vehicles to enter and turn around safely within the site to collect household waste to fulfil their statutory duties and the layout does not make provision for adequate and suitably located bin collection points. Accordingly the proposal fails to accord with the provisions in the National Planning Policy Framework and planning practice guidance in relation to quality of design, Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document, Policy FV6

of the Fosse Villages Neighbourhood Plan, Policy DM8 of the Blaby District Local Plan (Delivery) Development Plan Document and the Blaby District Council Waste Storage and Collection Guidance for New Developments.

NOTES TO COMMITTEE

Relevant Planning Policies

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

Policy CS1 – Strategy for Locating New Development
Policy CS2 – Design of New Development
Policy CS5 – Housing Distribution
Policy CS10 – Transport Infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS12 – Planning Obligations and developer contributions
Policy CS14 – Green Infrastructure (GI)
Policy CS15 – Open space, sport and recreation
Policy CS18 – Countryside
Policy CS19 – Bio-diversity and Geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate Change
Policy CS22 – Flood Risk Management
Policy CS23 – Waste
Policy CS24 – Presumption in Favour of Sustainable Development

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

Updated Policy CS15 – Open Space, Sport and Recreation
Policy DM2 – Development in the Countryside
Policy DM4 – Connection to Digital Infrastructure
Policy DM8 – Local Parking & Highway Design Standards
Policy DM12 – Designated and Non-designated Heritage Assets
Policy DM13 – Land Contamination and Pollution

Fosse Villages Neighbourhood Plan (2021)

Policy FV4 – Biodiversity
Policy FV5 – Local Green Spaces
Policy FV6 – Design
Policy FV7 – Housing Provision
Policy FV8 – Windfall Housing
Policy FV12 – Housing Mix

National Planning Policy Framework (NPPF)

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 Planning Obligations and Development Contributions Supplementary Planning Document (2024)

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

Blaby District Council Waste Storage and Collection Guidance for New Developments

Blaby District Council New Development Quick Reference Guide – Waste Storage and Collection

Blaby District Council Open Space Audit (2019)

Blaby Landscape and Settlement Character Assessment (2020)

Blaby Residential Land Availability Report (2024)

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

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

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

Joint Strategic Flood Risk Assessment Final Report (2017)

Consultation Summary

Blaby District Council, Environmental Services – No objection to the application subject to the imposition of conditions relating to contamination (Phase 1 Desktop Study), drainage details and that a Construction Management Plan be submitted to include working hours, controls for noise, vibration, dust and other airborne emissions.

Blaby District Council, Neighbourhood Services – comments on the location and design of bin collection points.

Leicestershire County Council, Archaeology – Recommend that any application should it be approved be conditioned so that a Written Scheme of Investigation (WSI) and programme of archaeological works take place before any demolition or construction.

Leicestershire County Council, Ecology – Issued a holding objection to the application on consultations dated 18 December 2024, 16 January 2025 and 24 March 2025 due to further information being required in relation to the Habitat Management and Monitoring Plan, the requirement for bat surveys, requirement for the Preliminary Ecological Survey to be amended to reflect the application boundary and the fact that there is potential impacts to protected and priority species. LCC Ecology comments were amended in January 2025 to reflect the fact that demolition works were proposed to the dwelling on site, which was not included within the original PEA.

Leicestershire County, Forestry – *‘The applicant has submitted a tree survey in accordance with BS5837:2012. The tree survey and supporting documentation submitted in support of the proposed development presents a fair representation of trees found on, or adjacent to, the site’. ‘Should the detailed tree protection methods be implemented correctly then the risk to existing trees is greatly reduced and there is no reasonable objection to the development on arboricultural grounds’.*

Leicestershire County Council, Highways – Initial Consultation dated 27 November 2024 ‘The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response’.

Final Comments received 17 April 2025 *‘The Local Highway Authority advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (2024) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report’.*

Sapcote Parish Council – Objects for the following reasons:

“Not only is this proposal outside of the designated neighbourhood plan boundary, it is a designated area of green space for the use of allotments.

I have in fact been contacted by a resident who holds an allotment plot in the middle of the proposed area and he is confident that the deeds to his allotment state that the land cannot be built on and must remain for the dedicated use of green space”.

Severn Trent Water – Requested that any approval be conditioned.

Stoney Stanton Parish Council – No response received.

Third Party Representations

13 public comments were received in response to the application consultation in objection to the application. It was noted that four of the responses came from the same resident.

The comments made were as follows:

- The emergency helicopter for Stoney Cove will land within metres of the plans that have been submitted for the dwellings.
- They believe that a committee meeting will be held due to highways comments.
- Residents have difficulty exiting onto to Grace Road due to the hedge to the left.
- The site is designated as an allotment and local green space (Policy FV5).
- There is no pedestrian entrance to the site.
- Concerns raised about the impacts of the building works
- Concerns that housing will overlook their allotment and take away their privacy.
- Owner of the allotment was not informed.
- The land is used for their pleasure not for building on.
- Resident provided the copy of the title register with comments regarding the occupation road and they should only have access by means of wheelbarrow.
- States that there are elderly residents who were not consulted.
- Spring Gardens have and use the access in front of No.2 Spring Gardens.
- The main water supply is located under the lane outside No.2 Spring Gardens. There is barely enough water pressure for more houses.
- They have part ownership of the allotment where they have chickens, fires and use noisy petrol gardening equipment as you do on allotments.
- It would make sense for the allotments to be kept as originally intended for help with mental health issues and encourage people to live and eat healthier.
- The lane is single track and unadopted with it only being wide enough for one car to pass and cars could be reversing on the to main Grace Road on a blind bend.
- The residents maintain the access to the site.
- The public rights of way would be severed if the plans were to be passed.
- The village and areas cannot cope with the amount of new properties.
- The village needs a larger doctors surgery and more shops.

An additional consultation was carried out with neighbouring properties along Spring Gardens and any further comments will be provided to committee members at committee should they differ to the above.

Relevant Planning History

16/0109/FUL	Erection of agricultural building 14.03.2016	Approved
20/0046/VAR	Removal of Condition 4 (Landscaping Scheme) and Variation of Condition 2 (Approved Drawings) attached to planning permission 16/0109/FUL	Approved 17.02.2020
90/0818/1/PB	Proposed rear porch, chimney and garage 04.10.1990.	Approved

EXPLANATORY NOTE

The Site

The development site extends to an area of 0.645 hectares and is located off Grace Road at the northern edge of Sapcote. The site is irregular in shape, with the red line formed around an allotment, which does not form part of this development. The development site is located to the south and west of Stoney Cove diving centre, to the south of a premises used for a business, which is accessed off Sapcote Road.

To the west of the site, there is an area of land, which is generally left to pasture and contains several wooden shed structures. The land to the south of the site is predominantly in residential use, with land to the east used for allotments and the residential dwellings located at Spring Gardens some 50m from the edge of the development site. The access track to the residential dwellings at Spring Gardens are accessed via a private driveway to the eastern side of the development.

The development site is located within the Countryside as defined by the Blaby District Local Plan (Delivery) Development Plan Document (2019) (Delivery DPD) being located outside the defined settlement boundary of Sapcote.

2 Spring Gardens, a residential dwellinghouse is located on the site opposite 128 Sapcote Road, this residential property has an access track located off Grace Road, which runs from the road some way into the site, accessing the land to the rear. The defined garden to the dwelling and its overall curtilage extends to some 895m². The existing dwelling looks to be in a dilapidated condition and is constructed of red brick, with slate roof, with outbuildings and greenhouse to its rear. The dwelling sits side on to Grace Road with its principal elevation facing the access track within the site.

An agricultural building was approved in 2016, which is located on the site and constructed of grey corrugated cladding. It is noted that this building was required for the storage of machinery, equipment, materials and feed (for the applicant's horses, poultry).

The remainder of the site is allocated as a Local Green Space within the Fosse Villages Neighbourhood Plan and has been used for allotments in the past. Some of the site is open paddock and other parts of the site, with some definition of the previous and existing allotment plots on the site. The site contains some established trees and hedgerows. In addition, it was noted that there were several structures and sheds on the site, now in a poor condition.

The site is bound to the road by existing hedgerows, which are established within the site, a grass verge is located between the hedgerow boundaries and the road. It is noted that the site sits at a slightly higher level than that of the road and the site slopes towards the road, the ground levels at the northern part of the site are around 93.67 to 94.02, sloping to the road which ground level is recorded at around 89.14 to 89.65.

It is noted that some representations refer to a right of way through the site, no formal Public Right of Way (footpath or bridleway) is located within or adjacent to the site.

The Proposal

This outline application seeks permission for 9 new dwellings on the site and seeks to confirm details of the proposed access and the layout of the 9 dwellings. All other matters including design, scale, appearance and landscaping are to be dealt with at Reserved Matters stage. The development also includes the demolition of the existing dwelling on the site, which was included in the description after it was originally validated.

The development seeks to provide 9 dwellings within the irregular shaped site, with the proposed access being provided along the existing access track that runs between the allotments and is utilised by the residents of Spring Gardens to the east. The access track will then sweep round to the west and then to the north, where the access will run in a semi-circle east and west around a tree to access the proposed plots in the north of the site.

Plot 2 would be sited upon the site of the existing dwellinghouse of 2 Spring Gardens (which is proposed to be demolished), adjacent the road. Plot 1 would also sit adjacent the road, being separated from Plot 1 by a pedestrian access along the former access to 2 Spring Gardens.

Plots 3, 4, 5 & 6 would be located along the western boundary of the site and plots 7, 8 & 9 would be located along the northern, east boundary of the site, separated from Plot 1 by an area of land (existing and used allotment) that is outside the red line of the development site.

Several groups of trees and areas of vegetation are proposed to be removed to accommodate the development, and it is noted that several trees are also proposed to be retained within the site and within the proposed plots.

The applicants in their statement write that the entirety of the application site *'has been under one ownership for the last 8 years and has not been used as allotments at all during that time'*. In addition they consider that this would be an infill development despite it being located outside the settlement boundary due to the nearby residential units and the industrial units to the north. They also consider that 'there is potential for active frontages to be introduced onto Grace Road.

Supporting Documents

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

Drawings:

- Topographical Survey
- Feasibility Scheme Drawing
- Location Plan

Reports:

- Preliminary Ecological Appraisal
- Tree Survey
- Design and Access Statement
- BNG Metric
- Transport Technical Note
- Habitat Management and Monitoring Plan
- Supporting Letter

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) (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 clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Paragraph 10 of the NPPF and Policy CS1 and CS24 of the Blaby District Council Core Strategy (2013) set out a presumption in favour of sustainable development. Paragraph 12 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 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 there is a clear reason for refusal or the adverse impacts would significantly and demonstrably outweigh the benefits.

Blaby District Council published housing land supply position states that the Authority can demonstrate a 3.53 year housing land supply. This is notably less than the five-year supply requirement outlined in paragraph 78 of the NPPF. Following the publication of the revised NPPF in December 2024 and the Council's revised housing numbers, the land housing land supply position is likely to have further reduced.

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. However, in this case, there are assets of particular importance (as listed in footnote

7 of the NPPF) which provide a clear reason for refusing the application insofar as the site is an allocated Local Green Space as per Policy FV5 of the Fosse Villages Neighbourhood plan, therefore the tilted balance does not apply in this instance. This will be discussed in more detail elsewhere in this report.

Paragraph 106 of the NPPF notes that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

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 73 states (amongst other things) that small sized housing sites can make an important contribution to meeting the housing requirements of an area and that opportunities should be sought to support small site to come forward for self-build housing.

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 11di, which considers that permission should be granted for housing unless there is a strong reason for refusing the development proposed due to the development site consisting of an asset of particular importance, in this case being a Local Green Space.

Policy CS1 – Strategy for Locating New Development

Policy CS1 sets out the overall strategy for locating new development in the district. It states that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester, comprising the ‘built-up’ areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva.

Outside of the PUA, development will be focused within and adjoining Blaby and the settlements of Enderby, Narborough, Whetstone and Countesthorpe (the ‘Larger Central Villages’). Lower levels of growth will be allowed in the Rural Centre, Medium Central Villages and Smaller Villages where the scale of development will reflect the settlement’s range of available services and facilities and public transport alternatives. Sapcote falls within the Medium Central Villages.

Policy CS2 – Design of New Development

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

Although the planning application is an outline application, a feasibility scheme is provided which provides a proposed layout and framework for the site, which the application seeks permission for through this outlined planning application. The plan shows the proposed access off Grace Road and along Spring Gardens. The details of the dwellings (elevations, floor plans) and landscaping of the proposed development will need to be addressed during the reserved matters application. The proposed layout is discussed below in the report.

Policy CS5 – Housing Distribution

Policy CS5 states that in order to focus new development in the most appropriate locations, the Council will seek to distribute housing by settlement in accordance with the table included in the policy. Development will be focussed towards the PUA and within and adjoining Blaby (the Districts only settlement with a Town Centre).

Sapcote is considered to be a medium central village as per Policy CS5, which describes Sapcote as having only a limited range of key services and facilities. The village has very limited employment opportunities within the settlement and has an infrequent bus service. There are some policy constraints to the north (Area of Separation). The following considerations for Sapcote also note that it has a significant number of planning commitments (including land at The Limes). The

SHLAA indicated significant potential for residential development in the long term. However, Sapcote has a limited range of employment opportunities, services and facilities and infrequent public transport.

In terms of completions and commitments, monitoring of the Core Strategy requirements shows the position at 31 March 2024 as follows:

Dwellings	Requirement	Total Completions & Commitments	Balance Required
Medium central villages combined figure. Littlethorpe, Huncote, Cosby, Croft and Sapcote.	815	1166	-351
Sapcote		638	
Non-PUA	2,990	3942	-952
District	8,740	6768	1974

The table above shows that the minimum housing requirements set out in the Core Strategy for Sapcote and the Non-PUA have already been exceeded by some margin. The Non-PUA as a whole the requirement has been exceeded by 952 dwellings. This monitoring data shows that there is no outstanding need for additional housing in Blaby at this time, however the District has a shortfall and currently can only demonstrate 3.53 5 Year Housing Land Supply at 31st March 2024 therefore there is an overall shortage.

The proposed development is located within the Countryside as defined by the Delivery DPD and within an area of Local Green Space as defined by the Fosse Villages Neighbourhood Plan, the latter meaning that the tilted balance would not apply to this development under Paragraph 11d(i) of the NPPF, which states that the application of policies in this framework protect areas or assets of particular importance (Local Green Space) provides a strong reason for refusing the development proposed. The development of nine dwellings would provide a small contribution of housing to the District, however the housing would be located in a village with little in the terms of key services and facilities where development would not normally be directed. The development however, subject to other material considerations could be acceptable in regard to Policy CS5 and the Districts Housing Distribution.

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.

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'.

Policy CS15 – Open space, sport and recreation

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

Policy CS18 – Countryside

Policy CS18 states that land will be designated as Countryside where it is outside the limits to built development and outside designated Green Wedges and Areas of Separation. 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. 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 takes a positive approach to the conservation of heritage assets and the wider historic environment through a set of criteria which includes ensuring the protection and enhancement of heritage assets and their settings, securing the viable and sustainable future of heritage assets, and promoting heritage assets in the District as tourism opportunities where appropriate.

Policy CS21 – Climate Change

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

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

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

Policy CS22 – Flood Risk Management

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

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

Policy CS23 – Waste

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

The New Development Quick Reference Guide – Waste Storage and Collection states that:

- The collection point for all wheeled bins will be at the boundary of the public highway.
- Residents will not have to carry waste further than 30 metres from their dwelling to a bin storage area (BSA). A BSA is where waste is stored at all times except on designated collection days when the wheeled bin should be transferred to the bin collection point (BCP).
- Residents will not have to carry waste further than 25 metres from a bin storage point to the bin collection point. The BCP should always be adjacent to the public highway.
- Waste collection vehicles will not travel on carriageways that are not adopted as public highway.

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.

Blaby District Local Plan (Delivery) Development Plan Document (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

Development proposals that are consistent with Core Strategy Policy CS18 will be supported where various criteria are met, including whether it is in keeping with the appearance and character of the existing landscape, development form and buildings.

Policy DM4 – Connection to Digital Infrastructure

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

DM8 - Local Parking & Highway Design Standards

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

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.

DM13 – Land Contamination and Pollution

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

Fosse Villages Neighbourhood Plan

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 (such as watercourses, hedgerows and tree-lines) to support biodiversity.

Policy FV5 – Local Green Spaces

Policy FV5 states that Development that would harm the openness or special character of a Local Green Space (as designated on the Policies Map) or its significance and value to the local community will not be supported unless there are very special circumstances which outweigh the harm to the Local Green Space, such as: A. Provision of appropriate facilities to service a current use or function; or B. Alterations or replacements to existing building(s) or structure(s) provided that these do not significantly increase the size and scale of the original building(s) or structure(s).

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 should also be in keeping with scale, form and character, protect locally significant features, not significantly affect the amenities of residents in the area, promote sustainable design and construction and provide safe and suitable access.

Policy FV7 – Housing Provision

The minimum housing provision for the Fosse Villages for the period 2006 - 2029 is:

Sapcote 415 dwelling.

This will be met by: A. Existing commitments; and B. Development within the Limits to Built Development in accordance with Policy FV8.

Policy FV8 – Windfall Housing

Policy FV8: Windfall Housing Proposals for housing development within the Croft, Huncote, Sapcote, Sharnford, Stoney Stanton and Thurlaston Limits to Built

Development, as defined on the settlement policies maps, will be supported. Outside the Limits to Built Development, Areas of Separation and Green Wedges, support for proposals for housing development will be limited to certain circumstances.

Policy FV12 – Housing Mix

Proposals for new housing providing for a mix of housing types informed by and reflecting the most up to date evidence of housing need will be supported. In demonstrating housing need, consideration will be given to supporting evidence provided by an applicant together with other salient planning matters.

Leicestershire Highways Design Guide (2024)

The Leicestershire Highways Design Guide (LHDG) is a key reference point for the council's policy, principles and technical guidance relating to the delivery and adoption of proposed highway and transportation assets that form part of the new development in the county.

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

This Supplementary Planning Document (SPD) sets out how the District Council will use its powers as the Local Planning Authority to ensure that new development contributes to the necessary provision of services, facilities and infrastructure needed to support the District's future residents and communities

Blaby Landscape and Settlement Character Assessment (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 (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 (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.

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.

Blaby District Council Waste Storage and Collection Guidance for New Developments

Blaby District Council New Development Quick Reference Guide – Waste Storage and Collection

Planning Considerations

This section considers the material planning considerations in further detail, and is divided into the following sections:

- The principle of the development and 5 year housing land supply position
- Loss of the Allotments and Open Space
- Proposed Layout of the Development, Landscape and Visual Impact
- Highways and Transport Considerations
- Flood Risk and Drainage
- Ecology and Biodiversity
- Heritage and Archaeology
- Environmental Implications
- Impact on amenities of existing residential properties
- Waste Management
- Sustainability and Climate Change
- Section 106 Agreement

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

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

As of March 31st 2024 a total of 2,826 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 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 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 current 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.

It is recognised that Sapcote is outside of the PUA and Policy CS5 states it has only a limited range of key services and facilities. The site is located on land defined as Countryside and Policy CS18 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 is acknowledged that the development site is located in close proximity to the settlement boundary of Sapcote, however most occupants of the development would need to rely on private motor vehicle to access, employment, facilities and services outside of Sapcote due to the lack of provision within the village and in addition, the minimum public transport services serving Sapcote (infrequent X6 from Sapcote Caravan Park some 2.2 miles and the Fox Connect an on-demand public bus service). It is acknowledged that the Council cannot currently demonstrate that it can deliver a 5-year housing land supply, the site however the site is not considered to be in the most sustainable locations due to lack of nearby facilities and infrequent bus services. In addition, the loss of the Countryside (Local Green Space) in this instance would not outweigh the need for housing under Policy CS18.

The development site is designated as a Local Green Space within the Fosse Villages Neighbourhood Plan (LGS SA6 Grace Road, Sapcote), Policy FV5 is clear in the fact that development will not be supported on Local Green Space as designated if it would harm the openness or its special character unless there are very special circumstances which outweigh the harm to the Local Green Space such as:

- A. provision of appropriate facilities to service a current use or function; or
- B. alterations or replacements to existing buildings or structures that would not significantly increase the size or scale of the original buildings or structures.

In this case the development proposed would not provide a use that would be consistent with the allotment use on the majority of the site, bar the use of the existing dwelling and its associated amenity space. The NPPF is also clear that tilted balance does not apply to developments that would impact assets of particular importance, which also includes Local Green Spaces.

The Fosse Villages Neighbourhood Plan was amended to include new Local Green Spaces into Policy FV5 and was made on 30 January 2024, therefore this Neighbourhood Plan carries weight in the determination of this decision.

The Fosse Villages Neighbourhood Plan Policy FV7 also states that the minimum housing provision for Sapcote is 415 dwellings between 2006 and 2029, this has already been exceeded within Sapcote by existing commitments. Policy FV8 also provides guidance on Windfall Housing on land outside the limits to built development. The proposed development of 9 dwellings, does not fall into the limits stated within this policy insofar as, the development does not re-use or adapt redundant rural buildings, in this case one single dwelling would be replaced but an additional 8 dwellings are proposed and the additional dwellings would not meet an essential need associated with small-scale employment or leisure, not the dwelling would meet an essential need for a rural worker, nor a rural exception site.

The development could be considered to be small scale housing, being a development for 9 dwellings under Policy FV8, however in this case the need to retain the countryside, which has a Local Green Space designation is considered to have more weight than the need to provide a moderate housing development on this site.

Overall, the principle of the development is considered to be unacceptable as the site is located in the Countryside on land designated as Local Green Space as defined in the Fosse Villages Neighbourhood Plan, the provision of 9 dwellings on this site (an increase in 8 dwellings, when considering the loss of the existing dwelling 2 Spring Gardens), would have moderate weight in providing housing towards the Councils overall housing need. This development is weighed against the loss of countryside and Local Green Space, which the retention of has significant weight. Sapcote is not one of the most sustainable villages outside of the PUA, however this development would be small and the impacts on local facilities would be minor in this case. It is however acknowledged that occupants of the development would likely require private car transportation to facilities, services and employment due to the lack of those provided within Sapcote itself.

Loss of the Allotments and Open Space

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

In order to achieve this, the policy sets standards for the provision of open space, sport and recreation per 1000 population in the District, and indicates that these

standards will be used to ensure that development proposals provide sufficient accessible open space, sports and recreation, taking into account any local deficiencies. It states that new on-site provision or, where appropriate, financial contributions to improve the quality of, or access to existing open space, sport and recreation facilities, will be expected and commuted maintenance sums will be sought.

Blaby District Council's Planning Obligations and Development Contributions Supplementary Planning Document includes guidance to support the Local Plan in relation to open space, sport and recreation requirements for developer contributions. It states that open space and play facilities should normally be provided within the development but recognises that open spaces of less than 2200 square metres in size are of limited recreational value, are expensive to manage and maintain, often lead to conflict with neighbours and therefore have little overall community benefit. This document suggests that a development of 1-19 dwellings would have its open space requirements delivered off-site and therefore there is no need for open space within the site.

Policy CS15 states that existing space, sport and recreation facilities will be protected and where possible enhanced. Where development is proposed on existing open space, sport and recreation facilities, land should not be released, either in total or in part unless it can be demonstrated that:

- (i) It is surplus to requirements for its current play and open space function; and,
- (ii) It is not needed for another type of open space, sport and recreation facility; or,
- (iii) Alternative provision of equivalent quantity, quality and accessibility, or better, can be provided in the local area.

The Open Space Audit (2019) considers the supply (ha) of open space by parish, the report notes that Sapcote has 2.08 ha of allotments and at the time of preparing the report, this was considered acceptable for the population in Sapcote. The Open Space Audit states that 'just because the supply of the accessible natural green space exceeds the minimum quantity standard in many parishes, this does not mean that these spaces can be considered as surplus to requirement, as in addition to the consideration of the quality and accessibility to these spaces, their importance in terms of contributing to green infrastructure, and biodiversity etc. is recognised'. It is also recognised that there is an overall undersupply of allotments in the District of some 1.28 hectares (as of the 2019 report). The RLA shows that since 2017 there have been 264 dwellings built in Sapcote, which would result in a population increase of around 600 persons (assuming 2.4 occupants per dwelling) and it is considered that the level of provision within Sapcote and the surrounding walkable areas of an access standard of 15 minutes walking time (720m) may therefore not now meet the requirements for green space. It has not been shown that there would be sufficient allotment land if this land was changed to residential land as proposed.

It is noted that Sapcote Parish Council have a set of allotments located off Leicester Road and their website states that there are '19 plots and a long waiting list'. This demonstrates further that this is a demand for allotments in the area. The Design and Access Statement notes that *'The site was previously used as allotment land*

and is designated as allotments in the Sapcote Policy map. However, entirety of the land has been under one ownership for the last 8 years and has not been used as allotments at all during that time'. However, no evidence has been submitted to support this statement. In addition, it is clear that there is a local need for allotments, and it is not sufficient to state that because the allotments have not been used since the current owners have owned the site that the allotments were 'previous' allotment land. The applicants have provided no evidence to show or support the argument that there is no need for these allotments or allotment land.

The proposed development would result in the loss of allotment land. It has not been demonstrated whether the loss of the allotments in Sapcote would result in an overall shortage in Sapcote or within walking distance. It has also not been demonstrated whether the land is needed for another type of open space, sport or recreation, or whether alternative provision can be provided in the local area to compensate the loss. It is considered therefore that the loss of the use of this green space would be unacceptable and would fail to accord with the Open Spaces Audit (2019), Policy CS15 (as updated) of the Blaby District Local Plan (Delivery) Development Plan Document and Policy FV5 of the Fosse Villages Neighbourhood Plan.

Proposed Layout of the Development, Landscape and Visual Impact

The development site is located within the Stoney Stanton Rolling Farmland, as noted in the Blaby Landscape and Settlement Character Assessment. The report describes this area as 'landform is gently rolling and land use is predominantly arable agriculture, with some grazing and pony paddocks close to the urban fringe. Former quarrying activity influences the landscape, with waterbased activities often now occupying the associated manmade lagoons. The landscape is relatively settled with several large villages. The low-cut hedgerows and undulating landform results in relatively open views which have a mixture of rural and urban influences'.

Blaby Landscape and Settlement Character Assessment notes that 2-3 storey residential housing development would have low to medium sensitivity to the landscape. The report also provides some guidance for future development including the following relevant points:

- *Restore the scare hedgerow trees.*
- *Conserve the fringe grasslands and wooded watercourses.*
- *Introduce planting to screen farm storage yards, large agricultural barns and urban edges to reduce their prominence in the landscape.*
- *Prevent the further coalescence of settlements, ensuring those that remain separate retain their own identities and landscape settings.*
- *Ensure any new development is sensitively sited, aiming to avoid significantly affecting areas of rural character with locally important levels of tranquillity.*
- *Respect and enhance the character of the rural villages, ensuring new development complements existing context with regards to scale, form, materials and boundary features.*
- *Design-in the introduction of SuDS to any new development, addressing any changes in hydrology (and subsequent knock-on effects such as increased diffuse pollution from agricultural run-off).*

The Blaby Landscape and Settlement Character Assessment also details Sapcote village, noting that it is a medium-sized clustered settlement, which has recently extended to the west along Hinckley Road. The village is primarily residential with some small-scale industrial and business sites. It also notes that Stoney Cove creates a strong gateway feature to the north.

In terms of the architectural style of Sapcote the assessment notes that Sapcote has a mixed architectural style with no single defining character. The core of the village consists of small-scale domestic cottages and houses, interspersed with occasional larger houses and focal buildings. Buildings are mostly limited to two storeys, although there are some taller structures including the church and chapel. The older buildings in the historic core tend to be cottages or small terraces. There are several thatched cottages, often with white rendering, which are maintained in good condition. Granite was a frequently used building material due to the local quarrying, with the church, older rows of houses and walls constructed of granite.

The assessment also notes that a small area of allotments is in the east of the village, to the north of Leicester Road.

This application seeks outline permission for the development of 9 dwellings with some matters reserved. The application includes full details of the proposed access and the layout of the development for which approval is sought at this stage.

The application site is an irregular shape with an existing allotment not included within the site boundary, therefore the site has a large cutout area in, which the 9 dwellings are to be set around.

The proposed layout demonstrates the retention of the several trees within the site and in the retention of two of the larger trees, the access track runs around these trees and runs in two directions at the north of the site in a semi-circle around a retained tree. By virtue of the irregular shape of the site and the retention of the vegetation within the site, the development has a rather convoluted layout, especially when considering the route and length of the access track within the site, which runs the entire length along the side of Plot 1 before turning at the corner of Plots 2 and 3.

Plots 1 and 2 would be located adjacent to Grace Road, with Plot 2 replacing the existing dwelling with a larger footprint. Whilst the design of the elevations of the buildings is not included for approval, the layout of the site means the proposed development would not provide a defined entrance to the site, especially where Plot 1 would be set back from the access track and Plot 2 would be set beyond the hedgerows with no principal view into the site from the surrounding dwellings and the road.

As discussed below in the report, the applicants have failed to provide a layout that works in regard to waste and recycling collection from the site.

The retention of the proposed trees on the site would result in an unacceptable amenity for the occupants of the dwellings, insofar as Plots 3 and 4 would have little in terms of garden space due to retention of established trees within the rear gardens. In addition, properties located at the north of the site would be impacted by

the large, retained tree within the site and its shadow, which would mean properties would experience overshadowing and unacceptable natural light levels to the properties. Low levels of natural light would also be experienced by properties 3, 4, 5 and 6 due to the proposed retention of high hedgerows along the boundary and due to the properties having small rear gardens that are shown on the Feasibility Scheme as being between 5.4m deep to approximately 8.8m, from the rear elevation to the edge of the existing trees. The trees within the site were not considered to be worthy of a Tree Preservation Order and the loss of the trees to the gardens 3 and 4 was not considered to have an impact on the development as a whole, however the applicants have not provided an amended Feasibility Scheme or Tree Retention Plan with this application that provides a well-designed scheme.

It is considered that the impacts of the development would have some harm to the landscape and character of the area, especially when considering that the development would be at a higher level to nearby properties along Grace Road due to the site's natural topography, meaning the site would feel prominent. The development would form a pocket of housing on higher level land, which would not follow the development line of the area with the nearest residential development line outside the settlement boundary and on Sapcote Road being located to the south-east, some 50m away at Spring Gardens. This is the edge of the settlement boundary, and the single dwelling located within the plot and within the allotments would be replaced by a denser development of nine dwellings of a private road, altering this rural edge to the village. This means that the development although relatively small scale would be visible from the road, nearby properties and likely surrounding area. It is noted that the existing trees and hedgerows will be retained where possible or enhanced, however the development would still require significant loss of trees and hedgerows within the site to accommodate the development, further altering the appearance of the site.

Overall, the development is considered to have a poor layout and design contrary to the provisions in the National Planning Policy Framework and planning practice guidance relating to design quality, Policies CS2 and CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document, Policy DM2 of the Blaby District Local Plan (Delivery) Development Plan Document and Policies FV6 and FV8 of the Fosse Villages Neighbourhood Plan.

Highways and Transport Considerations

The proposed development seeks permission to alter an existing site access off Grace Road, serving Spring Gardens and the 'former' allotments to enable access to the development site of 9 dwellings and existing dwellings and allotments located at Spring Gardens.

LCC Highways provided final comments following the submission of the following information:

- Supporting Letter by Marrons dated 11th March 2025; and
- Transport Technical Note by Lennon Transport Planning.

LCC Highways provided the following advice:

Site Access

As stated in the LHA's previous observations the visibility currently at the site access is significantly below standards, as found during a site visit on 19th December 2024. As the application proposes to intensify the existing site access, visibility is required to be demonstrated in accordance with Table 6 and Figure 7 of the Leicestershire Highway Design Guide (LHDG), available for reference at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/road-layouts-and-design/visibility-splays>.

Within Appendix E of the Transport Technical Note are the results of a speed survey along Grace Road. The survey was carried out between the 4th and 10th of February 2025. The measured 85th percentile speeds were 36.1mph northbound and 36.7mph southbound. In accordance with Table 6 of the LHDG, visibility splays of 2.4m x 65m in either direction would typically be required at the site access.

The Applicant has however indicated splays of 2.4m x 56.2m to the south and 2.4m x 57.6m to the north. The LHA has calculated Manual for Streets 2 Stopping Sight Distances with the parameters of a 1.5 second driver reaction time and a deceleration rate of 0.45g. These calculations were then based on the recorded speeds and resulted in minimum splay lengths of 56.11m northbound and 57.49m southbound.

Notwithstanding this, the LHA has reviewed the visibility splays demonstrated on drawing number HA/408/AD/25-01 Rev P05. It is welcomed that the Applicant has obtained a formal position on the extent of the highway boundary. With the position on the highway boundary in context, it is demonstrated in order to achieve acceptable visibility splays there would be a need to cross third- party land near the site access for a distance of approximately 5m.

As this third- party land is not within the Applicants control or within the highway boundary, there is no control of what could occur within the visibility splay. Therefore, due to the positioning of the boundary at the access, the LHA have calculated the maximum achievable visibility to be 2.4m x 65m northbound and only 2.4m x 12m without crossing third- party land, with no way of overcoming this. Subsequently, the LHA has no option but to advise refusal of this application as a safe and suitable access cannot be demonstrated.

The LHA add that as part of this latest submission from the Applicant, the red- line boundary (demonstrated in blue) has been re- drawn on the submitted access drawing (drawing number HA/408/AD/25-01 Rev P05) to accommodate the offsite highway works, however this does not accord with the previously submitted Location Plan (drawing number 00a) by Haywards Architects.

In addition, the LHA raised some comments previously about concerns on the current topography of the site access being below LHDG standards, with the current access being very steep, as observed during a site visit. Whilst the Applicant states that they have addressed this concern, the LHA cannot find any specific reference to this mitigation within the submitted Highways Technical Note. The LHA would have appreciated reference to state that the gradient would have been profiled to accord

with Table 13 of the LHDG to provide an access gradient no greater than 1:30 for the first 10m behind the highway boundary.

The submitted vehicle tracking has been reviewed which includes a fire tender vehicle and refuse vehicle. The Applicant intends for a refuse vehicle to serve the site and as stated in the LHA's previous observations the site must be able to accommodate a vehicle measuring 11.2m in length. The swept path analysis on drawing number HA/408/AD/25-03 Rev P05 has been reviewed, and it is noted that the refuse vehicle is only 7.9m in length. Notwithstanding this, the swept path of both the fire appliance and refuse vehicle run extremely close to the verge, making overriding of the verge very likely at the site access and causing subsequent damage. In addition to this, no swept path has been demonstrated for vehicles arriving from the south or exiting the site access in either direction. Given the swept path as currently demonstrated, the LHA do not believe that the site access as currently proposed can cater for a refuse vehicle measuring 11.2m in length.

Highway Safety

Given the amount of time since the LHA's previous observations the LHA has re-assessed to see if there have been any recorded personal Injury Collisions (PICs) in the last five years within 500m of the site.

Whilst there continues to be no recorded PICs, as stated in these highway observations the LHA does not believe that a safe and suitable access is achievable at this site as currently proposed. The proposals are therefore contrary to paragraphs 115 and 116 of the National Planning Policy Framework (2024).

Internal Layout

As the LHA understand it the site layout will remain under private ownership. Due to the Applicant wishing for bins to be collected within the site, a refuse collection vehicle has been demonstrated. As with the LHA's comments within the 'Site Access' section of these observations the refuse vehicle demonstrated is only 7.9m in length, opposed to 11.2m typically required. The LHA therefore cannot determine if the site layout is suitable to cater for a vehicle of this length.

Off-Site Implications

The Applicant has proposed a section of footway along the frontage of the site on Grace Road with a tactile crossing point approximately 40m northwest of the site entrance.

The LHA welcomes the inclusion of this crossing point for pedestrian access to the site. However, visibility splays at this crossing point have not been demonstrated. In addition, it is noted that a Stage 1 Road Safety Audit and Designers Response have not been submitted to support the proposed offsite highway works.

Conclusion

The LHA is providing these final highway observations to the Local Planning Authority as they wish to determine this application. After a thorough review of the access arrangements proposed, the LHA believe that a safe and suitable access in the context of Paragraph 115 of the National Planning Policy Framework (NPPF 2024) is unachievable due to insufficient visibility without crossing third- party land. In addition, the LHA do not believe the access geometry is sufficient to cater for the largest vehicle likely to access the site based on the submitted swept- path analysis. Due to this the LHA has no alternative but to regrettably advise refusal for this application on the grounds of a failure to demonstrate a safe and suitable access. Even if further information was provided by the Applicant, the LHA does not believe it could rectify the visibility concerns based on the current access proposals due to boundary constraints’.

The Leicestershire Highway Design Guide requires dwellings of up to 3 bedrooms to provide 2 parking spaces and dwellings of 4 or more bedrooms to provide 3 parking spaces. It is noted that each plot provides 2 parking spaces per dwelling and Plots 2, 5, 7 and 8 have a garage providing one parking space and Plots 6 and 9 provide two parking spaces within garages. As the details of the dwellings have not been provided nor require consideration at this stage, it is considered that suitable parking provision could be provided within the site. Visitor parking is only required for a development of 10 or more dwellings.

When considering the advice provided by LCC Highways and considering the overall layout of the site in regard to refuse vehicle access, it is considered that the development would be unacceptable in regard to policies CS10 and DM8 in addition to being unacceptable in regard to Paragraph 115 of the National Planning Policy Framework (NPPF 2024).

Flood Risk and Drainage

Paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy CS22 states that development will be directed to locations at the lower risk of flooding within the District.

The development site is located within an area of Flood Zone 1, which is at the lowest risk of flooding. In addition is also noted that the site does not have any areas of higher risk of surface water flooding. The development location in regard to flood risk could be acceptable due to the low flood risk.

The application forms state that the foul drainage system is unknown, and that surface water will be dealt with by means of a Sustainable Drainage System, no other details were submitted in this regard.

BDC Environmental Health Officers were consulted on the application and noted that a sustainable drainage system will be used to dispose of surface water, and it was

unknown how foul drainage will be dealt with. They recommend that a standard condition be imposed on any planning permission requiring full drainage details be submitted to and approved in writing by the Planning Authority.

Severn Trent Water did not object to the application but also asked that conditions be imposed on any approval for drainage plans for both foul and surface water flows, that the scheme shall be implemented in accordance with any plans and also provided a note in regard to Planning Practice Guidance and Section H of the Building Regulations 2010.

This development site was not considered to be a major development (being for less than 10 dwellings and the number of dwellings being known) and therefore the Lead Local Flood Authority were not consulted on the application.

Overall, it is considered that the development could be in accordance with policy CS22 and the Paragraphs in the NPPF relating to flooding, insofar as the development would be located in land at the lowest risk of flooding and the development could be made acceptable through the imposition of conditions requiring the applicants provide full details of the foul and surface water drainage proposed.

Ecology and Biodiversity

The application was submitted with the following documents:

- Preliminary Ecological Appraisal (Phase 1)
- Tree Survey

Trees and hedgerows

The tree survey includes an assessment of the trees within the development site. The site description considers that most trees within the site are of a B (moderate quality and value) or C (low quality and value) category.

The results of the submitted Tree Survey were as follows:

‘The site consists of former allotments with native hedgerows, mainly native tree plantations, orchard trees, isolated mature trees and non-native/native tree lines present. Most trees and hedges are in the B and C categories. In general, A and B category trees or hedges should be retained and carefully protected during any development work with appropriate root protection fencing. As many C category trees and hedges as possible should be protected and retained, although suitable replacement planting within the scheme area could adequately mitigate for losses of category C trees’.

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

'The applicant has submitted a tree survey in accordance with BS5837:2012. The tree survey and supporting documentation submitted in support of the proposed development presents a fair representation of trees found on, or adjacent to, the site. The land is formed of allotments with a number of trees and hedges internal to the site and around the site boundary. The outline design for the proposal seeks to retain the majority of trees within the development, with the exception of internal hedges H1 & H2.

Significant mature trees on site, in particular T1 & T6 are central to the site design and along with other trees are given appropriate protection recommendations. Should the detailed tree protection methods be implemented correctly then the risk to existing trees is greatly reduced and there is no reasonable objection to the development on arboricultural grounds'.

LCC Forestry Officers were reconsulted were Officers raised concerns regarding the retention of trees in the plots of gardens, where it was considered that the amenity would be reduced to such a level that it would not provide sufficient amenity space to occupants of proposed Plots 3 and 4. It was considered that these trees would likely need to be removed or would be removed in the future by occupants of the plots due to the impacts on the dwellings in regard to natural light and concerns of leaves dropping or birds nesting in the gardens. They provided the following consultation response to these queries:

'I think on reflection you are probably correct. Although the trees in question have been classified as 'B', they would be retained close to the plots and would result in very little usable space to the rear of the properties. As the majority of trees on site are proposed for retention, the loss of these two trees would have little impact on the development as a whole'.

There would be some loss of trees in the site, which would have some impact on the appearance of the site from the public realm and in addition would also have some impacts on the biodiversity of the site (discussed below). However, the proposed tree loss would not be a sufficient reason to sustain refusal on this site when considering the value and quality of trees proposed for removal.

There would not be an objection to the enhancement of the hedgerows within the site as noted within the tree survey and any landscaping scheme would be required as part of the Reserved Matters application.

It is however, not considered that the proposed retention plan would be acceptable, and the applicants have failed to demonstrate that the retained trees would allow occupants of the plots to have an appropriate level of amenity in the proposed gardens. In this case as the outline planning seeks for permission of the layout of the site, it would be considered that the retained trees do not allow for sufficient amenity and in addition the retention of trees centrally in the site provide for an unusual semi-circle roadway within the site. The retention of T1, which is a large tree would also cause shadowing to the properties located to the north of the site, especially Plots 6 and 5 in the morning and 7, 8 and 9 in the afternoon. This would cause an unacceptable level of overshadowing to the proposed dwellings and the loss of trees within this site would be regrettable.

Preliminary Ecological Appraisal (PEA)

A PEA was submitted with the application; however, it was noted that the report failed to include the existing dwellinghouse within its red line and the site surveyed and this was raised with the applicant and LCC Ecology, who then provided a further response in regard to the need for a bat survey.

LCC provided comments and put in a holding objection to the submitted documents for the following reasons:

- *'The scope of the proposal has been amended to include demolition of the existing dwelling. The existing Preliminary Ecological Appraisal (PEA) should be updated to reflect this.'*
- *'As such, it is recommended that a Preliminary Roost Assessment (PRA) for bats and breeding birds, including both internal and external investigation, should be carried out on the dwelling and any further structures/buildings due to be demolished or impacted by the proposed development. This should be carried out by a bat licenced ecologist to best industry guidance.'*
- *'Any further surveys required for bats as a result of this assessment should be completed and submitted prior to determination.'*
- *'In addition to the survey above, protected species surveys as recommended in Section 4.2 of the PEA and any further surveys as a result of the updated PEA to this should be completed and submitted prior to determination.'*
- *'In the absence of the above protected species surveys, the impacts of the proposed development on these species cannot fully be evaluated'.*

The applicant has been given an opportunity to submit further information in this regard. However, no amendments or additional information for the PEA have been supplied. The applicants have failed to demonstrate that development would not have negative effects on protected species where insufficient information has been provided in regard to bats, birds and amphibians. Government Guidance 'Protected species and development: advice for local planning authorities' states that permission can be refused if surveys are carried out at the wrong time of year, are not up to date, do not follow standard survey guidelines without appropriate justification or do not provide enough evidence to assess the likely negative effects on protected species.

Bats

As noted above the PEA does not consider the demolition of the existing dwelling, which will require a Preliminary Roost assessment for bats and breeding birds.

Section 4.2 of the submitted PEA notes that 'Should either of the two trees with bat roost potential be planned for works or removal, 2 x bat emergence surveys in accordance with BCT Survey guidelines (2023) will need to be carried out to determine the potential presence of any roosts in these trees'.

The submission fails to demonstrate that the development would not be harmful to protected species.

Badgers

The PEA notes that there is no evidence of badger setts on or near the site and recommended appropriate precautionary measures in case badgers enter the working areas at night (during construction).

Great Crested Newts, Reptiles and Amphibians

Section 4.2 of the submitted PEA recommends that *'a full presence: absence survey for reptiles will be required to determine any reptile presence and any necessary measures to be taken in this regard'*.

This report was not submitted by the applicants and therefore the submission fails to demonstrate that the development would not be harmful to protected species.

Birds

As the PEA submitted has omitted the existing dwelling proposed to be demolished from the report, the report does not demonstrate that there would be no harm to nesting birds within and the dwelling.

Biodiversity Net Gain (BNG)

This development was submitted post the introduction of Biodiversity Net Gain, which is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). BNG means that Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.

The applicants submitted a BNG Metric, Preliminary Ecology Appraisal (Phase 1) and Habitat Management and Monitoring Plan with the application, which LCC Ecology were consulted on.

In addition, the applications noted in their Design and Access Statement the following *'The biodiversity report shows that it is not possible to achieve the 10% biodiversity net gain on site with the current scheme and some off site credits will be required. This is due to the reduction in medium distinctiveness grassland. If outline approval is granted, a detailed landscaping scheme will be provided at reserved matters stage which may increase the biodiversity nett gain on the site'*.

The BNG Metric shows that there would be a net loss of biodiversity on site of - 19.91% habitat units and 30.79% of hedgerow units (with hedgerow units increasing from 1.20 to 1.57). The BNG metric final results show that the applicants will provide 10.11% change in habitat units and 30.79% change in hedgerow units (this includes all on-site and off-site habitat retention, creation and enhancement).

The PEA notes that *'a range of biodiversity enhancements including supplementary planting with native species is recommended, with a focus of provision for invertebrates though year round nectar sources and native tree and hedge planting'*.

Following the original comments from LCC Ecology, a Habitat Management and Monitoring Plan (HMMP) was submitted, which provides a summary of the habitats to be retained, created and enhanced.

LCC Ecology provided further comments on the additional information (HMMP) on 24 March 2025:

- The Habitat Management and Monitoring Plan provides some of the requested detail on creation and establishment of other neutral grassland. However, further detail should be provided particularly on suitable seed mixes and remedial actions should this habitat appear to be failing to reach target condition.
- It should also be amended for potential impacts to protected and priority species as impacts to bats cannot be determined until the necessary surveys have been undertaken on the dwelling to be demolished.
- As per previously issued comments on 16/01/2025, the existing Preliminary Ecological Appraisal (PEA) should be updated to reflect the changing application boundary.

LCC Ecology made the following comments on 18 December 2024 in regard to the BNG measures:

- The BNG Metric provided indicates that net gain is not achievable on Site therefore the provision of offsite compensation has been provided.
- The proposed landscape scheme is feasible. The offsite location proposal of enhancing 'poor' condition modified grassland to 'moderate' other neutral grassland may be difficult
- depending on the soil type/nutrient enrichment level of the offsite location. As such, further evidence such as a draft Habitat Management and Monitoring Plan (HMMP) is suggested to indicate how this habitat will be enhanced including any soil testing, means to reduce nutrient value (if appropriate) and details of remedial actions such as reseeding schedules.
- No details of the offsite compensation area are given. Information should be provided on location of the offsite component including whether it lies within or outside the curtilage of the applicant. Note that any offsite area should be registered as offsite. More detail on offsite baseline habitat and habitat condition should be given as this has not been included in the PEA report.
- Baseline habitat and post-development habitat maps should be provided

The applicants have failed to provide sufficient information in regard to LCC Ecology's comments regarding Biodiversity Net Gain and how this will be achieved. In addition, the applicants have not provided a draft legal agreement to demonstrate how and where the off-site BNG will be provided. The submitted PEA has not been updated to correctly demonstrate the habitat to be improved on site and therefore does not correspond with the overall development site feasibility scheme. The development therefore fails to accord with Policy CS19, Policy FV4 and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Heritage and Archaeology

There are no listed buildings within or close to the development site. The development site is also noted located within a Conservation Area. LCC Archaeology were consulted on the application due to the potential for archaeological remains within the site.

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site lies in an area of archaeological interest as noted by LCC Archaeologists who state that:

'the site lies in an area of archaeological potential. Evaluation in 2011 recorded two parallel linear ditches, one containing Saxo-Norman pottery, c. 135m southwest of the site (HER Ref.: MLE20120). A Bronze Age spearhead (MLE9899), possibly Roman inhumation burials (MLE284) and palaeolithic flint (MLE6043) were all recovered from a gravel pit c. 550m to the west of the site. Various finds were also identified during quarrying to the northeast of the application area during the 18th - 20th centuries, including a beehive quern (MLE6551), 'ancient pottery' (MLE9073) and stone/lead coffins (MLE9072).

Previous land use impacts and the presence of existing vegetation indicates a reduced potential to preserve significant archaeological remains, and additionally that effective evaluation of the application area is better addressed following clearance of the various obstacles to archaeological investigation. We would therefore recommend a post-determination programme of archaeological assessment, to be secured by condition on any approved planning permission'.

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

If outline planning permission is granted, the works regarding archaeology, which includes for a written scheme of investigation and initial phase of trial trenching will be imposed by means of planning condition as outlined at the start of the report.

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

Environmental Implications

Land Contamination

BDC Environmental Health Officers were consulted on the application and provided the following comments.

'The location of the development is an area previously used for agriculture and the full history of the land is not known. There is a former smithy nearby and several landfill sites in close proximity. Any of these could have potential to give rise to land

contamination. Given the number of new receptors proposed to be introduced, I believe a Phase I study is appropriate.

I recommend a Phase I Desktop Study be submitted, including the identification of previous site uses and potential contaminants that might reasonably be expected. Using this information, a conceptual site model for potential contaminant sources, pathways, and receptors should be produced to demonstrate relevant contaminant linkages. The Study should also consider onsite ground conditions with respect to foundations and the orientation/location of proposed dwellings.

This information may be provided either prior to determination or by means of discharging a suitably worded condition'.

On the basis of this advice, if planning permission is granted, a condition can be imposed in this regard.

Noise

The development would be purely residential in nature set alongside existing residential. It is considered that the end use of the site would not impact neighbouring amenity, nor be impacted by neighbouring uses bar during the construction phase of the development, this is addressed in more detail below.

Light

The development is located close to existing residential dwellings, which are unlikely to be impacted by light from the development nor impact the development through lighting levels.

Impact on amenities of existing residential properties

The proposed development would be located opposite dwellings located within the settlement boundary of Sapcote, which are located on Sapcote Road and Grace Road. Plot 1 would be positioned some 18.7m from the property, The Orchard, which is a single storey dwelling, that has obscurely glazed windows facing the development site and a rooflight. A conservatory is set to the north of The Orchard, which can be seen from the road. When viewing this property, it is not considered that there would be impacts in regard to overbearing impacts from the development due to the separation distance. The design of the proposed plots would be required at any reserved matters stage and privacy matters can be addressed through careful design at this stage, ensuring that windows would not overlook the property The Orchard and impact the living accommodation for occupants and future occupants.

Plot 2 would be located some 19.45m from the boundary to Compton Lodge and approximately 28m from the nearest wall of the property, it is therefore considered that the development could be located at an acceptable distance from Compton Lodge, especially when considering how the existing dwelling of 2 Spring Gardens is located.

The nearest dwellings at Spring Gardens are located some 52m from the edge of the development site and therefore would unlikely be impacted by privacy or overbearing issues from the proposed development and would maintain an acceptable separation distance. Although it is acknowledged that these dwellings would experience impacts from the proposed development in regard to the use of the access track serving their properties and the proposed alterations to the track that they have used and maintained. These impacts would include additional vehicular movements along the track to serve the new dwellings and the intensification of its use, not previously experienced. The use and maintenance of this track in terms of ownership is not a planning matter and therefore not discussed in this report.

It is noted that the submitted Design and Access Statement considers that the houses will be built of varying size, that mature boundary planting and mature trees would be retained and that there 'is potential for active frontages to be introduced facing onto Grace Road from plots 1 and 2'. These matters would be addressed through any Reserved Matters application and ensure the privacy of nearby properties. No information on building heights or number of storeys of accommodation has been submitted, however this could again be dealt with through the reserved matters application and controlled through the imposition of planning conditions if outline planning permission is granted.

To the north of the site an access track is located that serves the property 'Emp House' which is an office and sits alongside a business Hydrotech, which provides SCUBA diving gear sat in a separate industrial steel constructed building. No concerns were raised in regard to the nearby businesses on the residential development and at the time of the site visit, there were no noted noise or disturbance from the commercial premises that would indicate that there would be impacts on occupiers or future occupiers of the dwellings.

It is overall considered that, through the implementation of conditions, the development would not have an unacceptable relationship with adjacent properties and therefore the development would not be contrary to Policy DM2 part b).

Construction Management

The District Council's Environmental Services team has advised that due to the scale of the dwellings and proximity to other residential dwellings, it is recommended that a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the District Planning Authority prior to the commencement of the operations, which should then be adhered to throughout the construction and demolition phases.

The Construction Management Plan shall provide for:

- Measures to control the emissions of dust and dirt (and any other airborne emissions) during construction and demolition;
- Measures to control the emissions of noise and vibration during construction and demolition;
- Hours of construction and demolition works and deliveries (working days and hours).

Waste Management

Amongst other things, Core Strategy Policy CS23 seeks to ensure that waste collection is considered in the design of development including maximising recycling facilities. The provision of refuse collection has been considered as part of the urban design considerations.

BDC Neighbourhood Services team were consulted on the application and provided comments regarding the bin collection points within the site. It is noted that Plot 7 is located some 131m from the entrance of the site (when following the curve of the road within the site), where a point collection point would need to be located. Plot 6 is located some 112m from the entrance to the site at Grace Road. It is only really considered that due to the layout of the plots within the site, only Plots 1, 2, 3 & 4 would have acceptable bin drag distances and the remaining plots would have bin storage points and collection zones that would not be feasible nor take into account the needs of any future occupants. This constitutes poor design and would not be acceptable in regard to Policy DM2 and Policy CS23.

Sustainability and Climate Change

Policy CS21 states that development which mitigates and adapts to climate change will be supported. The policy states that new development will be focussed in the most sustainable locations, in accordance with Policy CS1 and Policy CS5. As identified when considering the principle of development, the site adjoins the Principal Urban Area of Leicester and is therefore considered one of the most sustainable locations for new housing development, in accordance with Policies CS1 and CS5.

Policy CS21 also seeks to reduce energy demand and increase efficiency through appropriate site layouts and sustainable design features. This includes providing for safe and attractive walking and cycling opportunities, utilising landform, building orientation, etc. to reduce carbon consumption, supporting Governments zero carbon buildings policy and encouraging residential development to achieve Code for Sustainable Homes level 3, and encouraging the use of sustainable materials and construction measures. Finally, Policy CS21 also encourages the use of renewable, low carbon and decentralised energy and supports renewable and low carbon energy generation.

Given that Policy CS21 was adopted in the Core Strategy in February 2013, several the measures referred to (such as the zero carbon buildings policy and Code for Sustainable Homes level 3) are now outdated. Furthermore, energy efficiency standards are now set at a national level through the Building Regulations, and this will be strengthened through the Future Homes Standard within the next two years. As such, it is not considered that the District Planning Authority has a policy position to be able to require higher energy efficiency standards to the proposed development.

Section 106 Agreement

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision through planning obligations.

Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under Section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority.

Planning obligations assist in mitigating the impact of otherwise unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, as set out in Regulation 122 of The Community Infrastructure Regulations 2010. Planning obligations, the form of Section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

This current document will be 'Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (March 2024 Consultation Draft)' adopted September 2024.

For this development legal agreement need to include the monitoring costs for Biodiversity Net Gain monitoring and for the off-site BNG required only.

Biodiversity Net Gain Monitoring Costs

In order for the Council and the District Council to undertake monitoring of BNG, a legal agreement is required to ensure that any reasonable costs for the ongoing monitoring of the BNG on-site and off-site over the 30-year period is secured. In addition, the landowner due to the need to secure the required off-site 10% BNG and any significant on-site gains is required to enter into a legal agreement. The applicants have failed to provide a draft legal agreement or heads of terms to ensure the BNG matters and therefore the application is unacceptable in that regard.

Overall Planning Balance and Conclusion

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

As set in the report above, it is acknowledged that the District Planning Authority can only demonstrate a 3.53-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 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 conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7 insofar as the development is designated as a Local Green Space within the Fosse Villages Neighbourhood Plan. This means that the so called 'tilted balance' cannot be engaged and the application is considered on a 'flat balance' where there is a strong reason for refusing the development proposed. In addition, any harm arising from the proposal are also weighed against the benefits.

The provision of up 9 houses (8 new dwellings within Sapcote when considering the replacement dwelling) would have some minor associated social, economic and environmental benefits. The development would also provide a small contribution towards local housing land supply including within the next 5 years, although it is acknowledged that it may be towards the end of the 5-year period before the development could commence, with the applicants on email stating that the 'client plans to sell the site so it could be up to 5 years before any works start on site'.

The proposed development would result in the loss of allotment land. It has not been demonstrated whether the loss of the allotments in Sapcote would result in an overall shortage in Sapcote or within walking distance. It has also not been demonstrated whether the land is needed for another type of open space, sport or recreation, or whether alternative provision can be provided in the local area to compensate the loss. Policy FV5 of the Fosse Villages Neighbourhood Plan does not support the loss of the Local Green Space and the development fails to accord with this policy, which seeks to protect areas that have special protection green areas or are important to local people.

The applicants have sought permission for the access and layout of this development, and it has been considered that the proposed layout would be unacceptable insofar as it provides a convoluted layout, which provides unsatisfactory amenity spaces for the future occupants of the dwellings. The development site would have an adverse impact on the character and appearance of the area due to the increase in built development on the site with the impacts exacerbated by the topography of the site, being higher than the road. Loss of additional established trees and vegetation would further erode the natural buffers surrounding this site, which it provides as a rural edge to the village.

The applicant has failed to demonstrate that the layout and design of the development would enable the District Council's refuse vehicles to enter and turn around safely within the site to collect household waste to fulfil their statutory duties and the layout does not make provision for adequate and suitably located bin collection points.

The applicants have failed to demonstrate that the development would not harm protected species. Furthermore, the applicants have failed to provide sufficient information relating to Biodiversity Net Gain across the entirety of the development site nor have provided a draft legal agreement for monitoring of the mandatory BNG for the 30-year period.

The applicants have failed to demonstrate that the development would provide a safe and suitable access for all users.

Officers have fully considered the application against local and national policy and guidance and against all relevant material considerations. It is considered that any harm identified from the development could not be satisfactorily mitigated through the use of conditions. The identified harm significantly and demonstrably outweighs the benefits of the proposed scheme. Permission for this scheme should therefore be refused without delay for the reasons outlined at the top of this report.

The application is therefore recommended for refusal as per the reasons set out at the top of this report.
