

Blaby District Council
Planning Committee

Date of Meeting 5 June 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 **27 May 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
	24/0559/OUT	17	Land At Croft Lodge Farm, Broughton Road, Croft	APPROVE

3.3 Appropriate Consultations

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

[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

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24/0559/OUT

**Registered Date
22 July 2024**

**Bellway Homes Limited
and John Louis Massarella**

Outline planning application for the erection of up to 95 dwellings (Use Class C3) and associated infrastructure, public open space and landscaping with all matters reserved except access (to entail works to existing site access and the creation of an additional access to serve the car boot sale operations on land to the south).

Land At Croft Lodge Farm, Broughton Road, Croft

**Report Author: Stephen Dukes,
Strategic Growth Manager
Contact Details: Council Offices. Tel: 0116 2727520**

RECOMMENDATION:

THAT APPLICATION 24/0559/OUT BE APPROVED SUBJECT TO THE APPLICANT ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

- 25% provision of affordable housing
- Secondary education contribution
- Library facilities contribution
- Civic amenity and waste facilities contribution
- Health care facilities contribution
- Police contribution
- On-site open space and future maintenance
- Off-site sports facilities contribution
- Community facilities contribution
- Travel Packs
- Bus Passes
- Travel Plan monitoring fee contribution
- Traffic Regulation Order consultation fee
- Off-site Biodiversity Net Gain provision and monitoring fee
- Recycling and refuse contribution (wheeled bins)
- S106 monitoring contributions – District and County Councils

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

1. 2-year time limit for submission of reserved matters. Development to begin within 4 years of date of permission or 2 years from reserved matters approval (whichever is the latter).
2. Reserved Matters details to be submitted.
3. Development to be in accordance with approved plans
4. No approval to illustrative masterplan.
5. Maximum number of dwellings not to exceed 95

6. Dwellings to not exceed two and a half storeys in height
7. Landscaping scheme to be implemented.
8. Provision of appropriate mix of market and affordable housing in accordance with adopted SPD.
9. Provision of a scheme for 5% of the dwellings to be accessible and adaptable homes
10. Details of all external materials to be agreed.
11. Details of site levels/ finished floor levels to be submitted and agreed and adhered to
12. Surface water drainage scheme to be submitted and agreed and implemented
13. Foul water drainage scheme to be submitted and agreed and implemented
14. Details of management of surface water during construction to be submitted and agreed and adhered to
15. Details of long-term maintenance of surface water systems to be submitted and agreed and adhered to.
16. Infiltration testing to be carried out
17. Access arrangements and off-site highway works to be implemented in full
18. Vehicular visibility splays of 2.4 metres by 59 metres to be provided at site accesses.
19. Pedestrian visibility splays of 1.0 by 1.0 metres to be provided at site accesses.
20. Construction Management Plan to be submitted and agreed and adhered to.
21. Amended Travel Plan to be submitted and agreed and adhered to.
22. Details of provision of relocated bus stop to be submitted and agreed and thereafter implemented.
23. Construction Environmental Management Plan for Biodiversity to be submitted and agreed and adhered to.
24. Updated badger survey to be submitted and approved if development does not commence within 6 months and any mitigation measures adhered to.
25. Bat friendly lighting scheme to be submitted and agreed
26. Habitat Management and Monitoring Plan to be submitted and agreed and adhered to.
27. Arboricultural Method Statement and Tree Protection Plan including tree protection measures for hedgerows and trees during construction to be submitted, agreed and adhered to.
28. Waste collection strategy to be submitted and agreed and adhered to.
29. Phase 2 Land Contamination Report to be submitted and agreed and any recommendations adhered to.
30. Reporting of unexpected contamination
31. Mitigation measures in the Noise Impact Assessment Report to be adhered to.
32. Prior to the first dwelling being occupied, the kennels at Croft Lodge Farm shall be permanently closed.

NOTES TO COMMITTEE

Relevant Planning Policies

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

Policy CS1 – Strategy for locating new development
Policy CS2 – Design of new development
Policy CS5 – Housing distribution
Policy CS7 – Affordable housing
Policy CS8 – Mix of housing
Policy CS10 – Transport infrastructure
Policy CS11 – Infrastructure, services and facilities to support growth
Policy CS12 – Planning obligations and developer contributions
Policy CS14 – Green infrastructure
Policy CS15 – Open space, sport and recreation
Policy CS18 - Countryside
Policy CS19 – Biodiversity and geo-diversity
Policy CS20 – Historic Environment and Culture
Policy CS21 – Climate change
Policy CS22 – Flood risk management
Policy CS23 - Waste
Policy CS24 – Presumption in favour of sustainable development

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

Updated Policy CS15 – Open space, sport and recreation
Policy DM2 – Development in the Countryside
Policy DM4 – Connection to Digital Infrastructure
Policy DM8 – Local Parking and Highway Design Standards
Policy DM11 – Accessible and Adaptable Homes
Policy DM12 – Designated and Non-designated Heritage Assets
Policy DM13 – Land Contamination and Pollution
Policy DM14 – Hazardous Sites and Installations
Policy DM15 – Mineral Safeguarding Areas

Leicestershire Minerals and Waste Local Plan (2019)

Policy M11 – Safeguarding of Mineral Resources

Fosse Villages Neighbourhood Plan (2021)

Policy FV1 – Road Traffic
Policy FV3 – Bus Services
Policy FV4 – Biodiversity
Policy FV6 – Design
Policy FV7 – Housing Provision
Policy FV8 – Windfall Housing
Policy FV12 – Housing Mix

National Planning Policy Framework (NPPF) 2024

Planning Practice Guidance (PPG)

Other Supporting Documents

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

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

Leicestershire Highways Design Guide

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

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

Blaby Landscape and Settlement Character Assessment (2020)

Blaby District Council Open Space Audit (December 2015)

Blaby Playing Pitch Strategy 2020

Blaby Residential Land Availability Report (March 2023)

Joint Strategic Flood Risk Assessment Final Report (October 2014)

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

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

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

Consultation Summary

Active Travel England – No comments

Blaby District Council, Active Travel Advisor – Makes comments in relation to the active travel measures, including bus connections and cycling and walking.

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

Blaby District Council, Health and Leisure – Requests a total developer contribution of £167,122 to be used for new or improved off-site sports facilities to cater for the additional demand generated by the development. Recommendation of the contribution being used for improvements to pitch quality at Sapcote Sports Ground,

and a contribution to a new 3G pitch and ancillary facilities at Stoney Stanton War Memorial Playing Fields.

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

Blaby District Council, Neighbourhood Services - Makes comments in relation to the servicing of the site by the District Council's Refuse and Recycling collection vehicles.

Croft Parish Council – Makes the following comments:

“Croft Parish Council raise no objection to this proposal, but wish to make a number of comments that need to be considered as part of the determination of this application.

Highway Matters

Relocation of 30 mph zone

The Parish Council welcome the relocation of the 30 mph zone to the south of the new car boot sale access. However, it is considered that appropriate signage is required to clearly illustrate this as the gateway into the village, rather than just a larger speed limit sign and a simple ‘croft village’ sign. Other villages have timber or stone access features, and given the rural setting of the village and the need to recognise this as the gateway between the countryside and village, clear notation should be provided.

Speed control measures

The inclusion of chicanes to control speeds on the approach to the village are welcomed, subject to Leicestershire County Council confirming that the suggested positioning is safe for all users. The clearance width also needs to be sufficient to enable double decker buses and any farm vehicles access. The annotations on the plans state that single decker buses will be able to pass through the chicanes. However, double decker buses serve the secondary school collection every day, whilst on occasion double decker buses are deployed on the X84 route along Broughton Road. It is vital to ensure that the speed control measures do not hamper the ability for all road users to access the village.

In terms of traffic within Croft, it has been recognised for many years by the Parish Council that there are three areas of concern:

- Speeding traffic along Broughton Road;*
- Speeding traffic along Arbor Road; and*
- Conflict between traffic at the interchange of Station Road, Broughton Road and Arbor Road due to the lack of visibility caused by the railway bridge.*

It is recognised that highway works can only be requested to resolve issues that are exacerbated directly as a result of the planning application; as such it is noted that works to Broughton Road are proposed (and welcomed).

However, as per the traffic flow diagrams contained within Appendix B of the Transport Statement, there will be increased movements along Broughton Road/Station Road as a result of this development. Moreover, if the traffic chicanes are too successful, it

may result in rerouted traffic along Arbor Road and thus increase in the conflict with this junction on Station Road/Broughton Road. The issue is the lack of forward visibility in a southern direction on Station Road at the bridge, such that there have been serious collisions with vehicles turning right out of Arbor Road. Any increase to this risk should be appropriately mitigated. Inclusion of a 20 mph zone across the bridge/this section of highway and removal of the central white line (to amend the perception of space) are simple measures that could make a significant difference to the safety of this highway section.

Visibility splays for new car boot access

The current speed limit on this section of road is 50 mph and the proposal seeks to reduce it to 30 mph. The proposed 2.4 x 54m visibility splays however do not align with either the existing or proposed speed limits. It is considered that the plan should accurately reflect the necessary visibility splays, and if this is considered to be at 50 mph, then it will be important to ensure that the full splay can be delivered.

Lighting to extended 30 mph zone

As part of the proposals, it is noted that street lighting will be provided along Broughton Road within the whole 30 mph zone. This needs to be read in conjunction with the recommendations of the ecological report which at paragraph 4.36 identifies the need to protect dark corridors. The ecological surveys have noted extensive use of the area by bats and clearly providing around 230 metres of additional lighting southwards into the countryside will negatively impact nocturnal foraging and activity patterns of bats and other fauna. Lighting should be limited to within the built envelope itself, and not where there are no formal footpaths.”

(Additional response) – requests that the contribution identified by the Council’s Health and Leisure team be used for facilities within the village of Croft rather than towards new or improved facilities in Sapcote and Stoney Stanton. Requests money be used for a pump track at Croft Pavilion (off Winston Avenue, Croft), the estimated cost of which is £145,000.

(Further additional response) – provided additional information to justify the offsite sports facilities contribution being used for a pump track in Croft rather than sports facilities outside the village. Also, requests a contribution for improvements to the pavilion building to enable it to be brought up to a standard where it can be used by future residents.

Health and Safety Executive – Does not advise, on safety grounds, against the granting of planning permission.

Leicestershire County Council, Archaeology

(Initial response) – Required provision by the applicant for a topographic survey of the extant ridge and furrow earthworks, and a field evaluation including trial trenching to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise damage by the development.

(Revised response) – Advises that the submitted Written Scheme of Investigation proposes a satisfactory programme of archaeological work which, upon completion, will meet the requirements for the initial investigation of the development site.

(Further revised response) – Comments that an evaluation report and earthworks survey recording the extant ridge and furrow remains have been submitted. Given the level of earthwork preservation (particularly the northern parcel) and the flexibility afforded as an outline scheme, the applicant is encouraged to consider opportunities to accommodate the earthworks within areas of green space (although this is not recommended to be made a requirement of any planning permission). Having reviewed the earthwork survey and trial trenching report it is recommended that no further archaeological work is required.

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

- Libraries - £2,868.78
- Primary Education - £0.00
- Secondary Education - £9,456.40
- Post 16 Education - £0.00
- Waste - £2,267.65
- Monitoring Fees

Leicestershire County Council, Ecology

(Initial response) – recommends the on-site habitat assessment is repeated at optimal time of year (May to Sept), requests further details of the offsite biodiversity component to be provided including baseline ecological assessment, requests that no works commence until a Construction Environment Management Plan is agreed, requests a Habitat Management and Monitoring Plan is agreed covering a 30 year period, requests that update badger surveys are undertaken should works not commence within 6 months, and requests a bat-friendly sensitive lighting plan.

(Revised response) – Considers the ecological appraisal to be satisfactory for outline application. Recommends conditions relating to Construction Environmental Management Plan, bat friendly lighting scheme, updated badger surveys, and Habitat Management and Monitoring Plan.

Leicestershire County Council, Forestry – No comments received

Leicestershire County Council, Highways

(Initial response) – commented that the application did not fully assess the highway impact of the development. Requests an amended Travel Plan, amendments to the location of chicanes on Broughton Road, additional street lighting, improved visibility splays from the access to cater for farm traffic, clarification of swept path analysis, clarification on the use of the car boot access by HGVs, reconsideration of trip generation data in the AM peak, and additional junction modelling work.

(Revised response) – considers that further information is still required to demonstrate whether a safe and suitable access to the site could be achieved for all users, and to adequately demonstrate whether the proposed development would have a significant impact on the transport network and on highway safety. Requests further junction modelling for the Foxhunter Roundabout.

(Further revised response) – considers that the impacts of the development on highway safety would not be unacceptable and the impacts on the road network would not be severe. Conditions are recommended requiring the access arrangements and off-site highway works to be implemented, requiring vehicular and pedestrian visibility splays, the agreement of a construction traffic management plan, and an amended Travel Plan. Contributions are also sought for Travel Plan monitoring, Travel Packs, Bus Passes and a Traffic Regulation Order for the proposed relocation of the 30mph entry speed and traffic calming features on Broughton Road.

Leicestershire County Council, Lead Local Flood Authority

(Initial response) – Further consultation required – requested the following:

- Formal evidence that there is no developer control over the proposed outfall location;
- Details of the downstream connectivity for the point of discharge;
- Consideration of additional source control SuDS;
- Clarification that the existing watercourse will be retained as open channel except in location where it is required to be culverted (i.e. highway crossings).

(Revised response) – Considers the proposals are acceptable and recommends planning conditions for surface water drainage scheme, management of surface water during construction, long term maintenance of surface water drainage and infiltration testing.

Leicestershire County Council, Minerals and Waste Authority

(Initial response) – Commented that a Mineral Assessment of the proposed development is required on the mineral resource beneath or adjacent to the site.

(Revised response) – No objections - Having considered the Mineral Resource Assessment, notes the conclusion that the mineral is not viable with the site not being located upon any identified sand and gravel deposit.

Leicestershire Fire and Rescue – No comments.

Leicestershire Police

(Initial response) – Makes comments in relation to measures to design out crime and makes an expression of interest in relation to a bid of Section 106 funding due to the additional demand the development will generate on local policing.

(Revised response) - Requests a contribution of £20,090 to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet with new demand. The request covers funding for:

- Set up equipment costs
- Infrastructure and estate support
- Police vehicles and charging points
- Automatic Number Plate Recognition/ CCTV and Identification Technology
- Crime Reduction Initiatives

(Further revised response) – Contribution reduced to £18,173.10, to cover the same five areas.

National Gas Transmission

(Initial response) – Development must not proceed without further assessment from Asset Protection.

(Revised response) – The proposed dwellings fall outside the pipe easement and Building Proximity Distance of 76 metres but within the 4 x Building Proximity Distance of 304 metres. However, the development risk has now been assessed and is considered acceptable to National Gas Transmission.

NHS, Leicester, Leicestershire and Rutland Integrated Care Board – Requests a contribution of £73,568.00 for use at any of the named GP surgeries and/or to develop alternative primary/ community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development.

Severn Trent Water – No comments received

Third Party Representations

19 representations were received, 18 of which objected to the application and 1 in support.

The comments received are summarised below:

Objecting

- Development not needed
- Croft is a small village
- School is over-subscribed and not big enough to take more pupils
- Roads will be dangerous if more houses built
- Already too much traffic on Broughton Road and vehicles speed
- Destroying green fields
- Lack of amenities in Croft
- No doctor's surgery or dentist in village
- Wildlife habitats will be impacted
- Speed limits should be reduced to 20mph
- Broughton Road/ Arbor Road and Broughton Road/ Coventry Road junctions need revising with traffic lights or roundabout.
- Previous severe traffic incident on railway bridge
- Need for enough car parking in the development
- Could spinney be kept
- Storm drains and overflows should not pollute the River Soar
- Swift boxes/ bat boxes should be compulsory
- Increase in pollution and noise
- New access to car boot is on a dangerous corner
- Development would alter character of village, with loss of heritage and identity.
- Disruption to social cohesion of close-knit community
- May be alternative locations for development that would not compromise village's resources and infrastructure
- Waste water from Croft is sent to Stoney Stanton Treatment Works and there is no room to expand and treatment works will not cope with additional waste water.

- Discharges of untreated sewage take place just 700 metres upstream of where the River Soar flows through the Croft Pastures Nature Reserve.
- Concerns about additional traffic trying to cross B4114 dual carriageway to Broughton Road.
- Flashing speed sign on B4114 broken – was reported 2 years ago but still not working.
- Traffic queuing for car boot site could queue back onto B4114.
- If the development goes ahead a footpath should be extended from the development site to the B4114 – this is a missing section between Croft and the footpath to Sutton Elms and Broughton.
- Financial contributions through Section 106 should be made clear.
- Secondary school is over subscribed.
- Public transport to village is not sufficient – hourly service to Leicester and Lutterworth and no buses after 6pm
- The speed calming near the site will have no effect further along the road towards the village centre
- Potential flooding to Broughton Road
- Croft does have shops but parking on Pochin Street can be difficult
- Better use should be made of brownfield sites.
- Access to the car boot site should be from the other side of the car boot site, away from residential areas.
- Any infrastructure, such as street lighting, should be designed to maintain the rural character of the area.
- Proposed construction period will impact on vulnerable and disabled people living in properties on Sparkenhoe – including impact of noise and dust
- Strict hours of work should be imposed
- Bottom of Sopers Road completely floods during heavy rainfall – additional 95 houses could make this worse.

Supporting

- Development will provide extra job opportunities for local residents
- Extra housing benefits younger couples
- School would benefit from increase in pupil numbers

Relevant History

90/0703/1/PX – Conversion of part of agricultural building into farm shop

99/0023/1/PY – Proposed cattery consisting of 15 blocks of 2/3 cat pens and store shed

04/0320/1/PX – Change of use of redundant agricultural building to boarding kennels

05/0710/1/PY – Change of use of boarding kennels to retail to allow sale of animal feeds

10/0294/1/PY – Retention of internal access road to Croft Car Boot

12/0511/1/PX – Relocate existing cattery into animal feed sales area within dog boarding building.

EXPLANATORY NOTE

The Site

The application site is located to the south of the village of Croft and is approximately 400 metres north of the B4114 Fosse Way. The site covers an irregular parcel of land measuring 4.49 hectares and comprises largely of arable fields and horse paddocks which are subdivided by low-rise post and rail fencing and native hedgerows. To the southwest is an area of woodland which falls outside of the application site and is proposed to be retained.

Access to the site is from Broughton Road to the east and the existing access serves the kennels business at Croft Lodge Farm and two adjacent residential properties to the west of the site and also the car boot sales area to the south. A private driveway runs through the site, providing access to both businesses. The site is relatively flat with a gradual slope from the north to the eastern boundary. To the north and northeast of the site are a number of residential properties. The age and nature of these properties is mixed, with more recent development directly adjacent to the site to the east (Poplars Road) and northeast (Windsor Gardens), with properties from the 1980s to 90s situated along Broughton Road. The majority of the existing dwellings consist of two-storey semi-detached and detached dwellings, however there are bungalows on Poplars Road and Sopers Road.

The site is located outside of, but immediately adjoining the Settlement Boundary of Croft, a 'Medium Central Village' as defined in the Core Strategy and is classified as Countryside in the Policies Map within the Blaby District Local Plan (Delivery) Development Plan Document.

The Proposal

The application seeks outline planning permission for the proposed development of up to 95 residential units (Use Class C3) with all matters reserved, except access. The proposed development includes two access points onto Broughton Road. The existing access located to the north of the site will be retained and upgraded to serve the dwellings and a new access is proposed in the south of the site which will connect to the existing farm track to provide a separate vehicular route to the car boot sales area.

An illustrative masterplan has been provided to demonstrate how the 95 dwellings could be accommodated on the site, with semi-detached and detached properties at an overall density of approximately 35 dwellings per hectare. It is anticipated that approximately 2.7 ha of the 4.49 ha site (60%) will be used to deliver new housing, with 1.8 ha (40%) accommodating open space and surface water attenuation areas.

Supporting Documents

As an application for outline planning permission, detailed layout plans, floor plans and elevations have not been submitted for consideration at this stage. Nevertheless, consideration is still required as to the principle and amount of development proposed.

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

- Planning application form
- Location Plan
- Illustrative Masterplan
- Site Access Layout
- Car Boot Access Drawing
- Open Space Plan

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

- Agricultural Land Classification Report
- Archaeological and Heritage Assessment
- Ecological Appraisal
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Noise Impact Assessment
- Phase 1 Geo-Environmental Assessment
- Quantitative Risk Assessment for Gas Pipeline
- Sustainability Appraisal
- Sustainable Drainage Statement
- Transport Assessment
- Travel Plan
- Tree Survey
- Utilities Statement
- Mineral Resource Assessment
- Written Scheme of Investigation for Archaeological Evaluation
- Archaeological Evaluation Report
- Flood Risk Sequential Test
- RGB and Multispectral Landscape Survey
- Planning Statement
- Biodiversity Metric
- Design and Access Statement
- Highways Technical Note

Environmental Impact Assessment

The proposed development is not considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as although it is categorised as an urban development project (10(b)), it comprises of less than 150 dwellings, and the site area does not exceed 5 hectares. As such, there was no requirement for the application to request an Environmental Impact Assessment Screening Opinion from the District Planning Authority.

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.

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.

The Council has reviewed and published an updated housing land supply position in August 2024. This confirms that the Council cannot demonstrate a five-year supply of deliverable sites. As of 31 March 2024, the District wide housing land supply position is 3.53 years, notably less than the five-year supply requirement in the NPPF. Following the publication of the revised NPPF in December 2024 and the Council's revised housing numbers, the land supply position is likely to have significantly reduced below 3.53 years.

As a consequence, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

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

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

Paragraph 61 of the NPPF says to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Paragraph 79 of the NPPF says local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than 5 years old.

Paragraph 81 of the NPPF says that to help ensure that proposals for housing

development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.

DEVELOPMENT PLAN

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

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

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

Policy CS1 – Strategy for locating new development

Policy CS1 sets out the overall strategy for locating new development in the district. It states that most new development will take place within and adjoining the Principal Urban Area (PUA) of Leicester. Outside of the PUA it states that development will be focused within and adjoining Blaby and the Larger Central Villages (Enderby, Narborough, Whetstone and Countesthorpe), with lower levels of growth being 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. Croft is categorised as a Medium Central Village in the settlement hierarchy.

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. Collectively, the Medium Central Villages (Littlethorpe, Huncote, Cosby, Croft and Sapcote) have a combined housing figure of 815 dwellings across the local plan period (2006 to 2029).

Policy CS7 – Affordable housing

Policy CS7 states that the Council will seek to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. Affordable housing should be provided on site unless there are exceptional circumstances preventing this. To ensure mixed and sustainable communities, residential development should integrate affordable and market housing through the

dispersal of affordable housing units within residential development and use a consistent standard of design quality. The tenure split and mix of house types for all affordable housing will remain flexible and will be assessed on a site-by-site basis, although affordable housing should be integrated into each phase and sub-phase of development.

Policy CS8 – Mix of housing

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

Policy CS10 – Transport Infrastructure

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

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

Policy CS11 – Infrastructure, Services and Facilities to support growth

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

Policy CS12 – Planning Obligations and Developer Contributions

Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases

maintenance). Planning obligations and developer contributions will be guided by the Council's latest Planning Obligations and Developer Contributions SPD and other evidence of need.

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

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

Policy CS14 – Green Infrastructure

Policy CS14 states that Blaby District Council and its partners will seek to protect existing, and provide new, 'networks of multi-functional green spaces'. The proposed development provides traffic free green infrastructure corridors and other area of natural green space and informal open space.

Policy CS15 – Open space, sport and recreation

Policy CS15 seeks to ensure that residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The policy sets standards for the provision of open space, sport and recreation per 1000 population, along with desirable access standards in distance or time. These standards will be used to ensure that development proposals provide sufficient accessible open space, sport and recreation, taking into account any local deficiencies. It states that new on-site provision or financial contributions to improve the quality of, or access to, existing open space, will be expected and commuted maintenance sums will be sought. The policy also seeks to protect areas of existing open space from development, unless certain criteria are met. The policy has now been superseded by Updated Policy CS15 in the Blaby Delivery DPD.

Policy CS18 – Countryside

Policy CS18 states that within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It states that planning permission will, however, be granted for limited small-scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts. The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations.

Policy CS19 – Bio-diversity and geo-diversity

Policy CS19 seeks to safeguard and enhance sites of ecological and geological importance of national, regional and local level significance. The policy also states that the Council will seek to maintain and extend networks of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of

natural habitats. The policy also seeks to protect those species which do not receive statutory protection but have been identified as requiring conservation action. Development proposals should ensure that these species and their habitats are protected from the adverse effects of development through the use of appropriate mitigation measures. The policy also states that the Council will seek to ensure that opportunities to build in biodiversity or geological features are included as part of the design of development proposals.

Policy CS20 – Historic Environment and Culture

Policy CS20 states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through protecting and enhancing heritage assets and their settings and expects new development to make a positive contribution to the character and distinctiveness of the local area.

Policy CS21 – Climate Change

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

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

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

Policy CS22 – Flood risk management

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

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

Policy CS23 – Waste

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

Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 reflects the overarching principle of the NPPF that the Government wishes to see in relation to the planning system, with the golden thread running

through the decision-making process being the presumption in favour of sustainable development. Policy CS24 requires that when considering development proposals, the District Council always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible.

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

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

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

Updated Policy CS15 – Open space, sport and recreation

This supersedes the Core Strategy Policy CS15 and seeks to ensure that residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The policy has been updated as the Council commissioned an updated assessment of open space, sport and recreation facilities in the District (Open Space Audit 2015). The information gained was used to review the locally derived standards, contained in Policy CS15, to ensure that existing and future communities have access to sufficient open space, sport and recreation facilities. The standards for the provision of open space per 1000 population have therefore been updated accordingly. There are no specific standards for the provision of outdoor sports space, but the Open Space Audit gives guidance on where there are quantity and quality deficiencies.

Policy DM2 - Development in the Countryside

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

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

Policy DM4 – Connection to Digital Infrastructure

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

a broadband connection would likely be reliant on a third-party contractor over which a developer is unlikely to have any control.

Policy DM8 – Local Parking and Highway Design Standards

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

Policy DM11 – Accessible and Adaptable Homes

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

Amendments were made to the policy during public examination which changed the threshold for the application of the policy from 10 dwellings to 20 dwellings, and inserted criteria into the policy to ensure that there is sufficient flexibility in applying the policy requirement to take account of circumstances where it can be demonstrated that it would not be viable.

Policy DM12 – Designated and Non-designated Heritage Assets

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

Policy DM13 – Land Contamination and Pollution

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

Policy DM14 – Hazardous Sites and Installations

Policy DM14 states that development proposals within the consultation zones for major hazard sites and major hazard pipelines will take account of the requirements

to keep separate housing and other land uses that may be incompatible with the major hazard and prevent damage to major hazard pipelines or installations.

Policy DM15 – Minerals Safeguarding Areas

Policy DM15 states that development proposals in areas identified for mineral safeguarding will need to ensure that mineral resources of national or local significance are not needlessly sterilised by non-mineral development.

Leicestershire Minerals and Waste Local Plan (2019)

Policy M11 – Safeguarding of Mineral Resources

Policy M11 states that applications for non-minerals development within a Minerals Safeguarding Area will be granted if at least one of the following criteria are met:

- (i) The applicant can demonstrate that the mineral concerned is no longer of any value or potential value
- (ii) The mineral can be extracted satisfactorily prior to the incompatible development taking place
- (iii) The incompatible development is of a temporary nature and does not inhibit extract within the timescale that the mineral is likely to be needed
- (iv) There is an overriding need for the incompatible development
- (v) The development is one of the types of development specified.

Fosse Villages Neighbourhood Plan (2021)

Policy FV1 – Road Traffic

Policy FV1 states that measures that provide reductions in traffic on the B4114 and in the Fosse Villages will be supported.

Policy FV3 – Bus Services

Policy FV3 states that new residential developments of more than 10 dwellings will be supported where proposals include a viability statement evidencing the extent to which the proposals will enhance rural bus services within the Neighbourhood Area.

Policy FV4 – Biodiversity

Policy FV4 states that new development which minimises impacts on and provides net gains for biodiversity will be supported. New development will be expected to maintain and enhance existing ecological corridors and landscape features to support biodiversity.

Policy FV6 – Design

Policy FV6 states that development that reflects the distinctive and traditional character of the Fosse Villages will be supported. It also sets out other principles relating to design.

Policy FV7 – Housing Provision

Policy FV7 sets out the minimum housing provision for each of the Fosse Villages for the period 2006 to 2029, to be met through existing commitments and development within the Limits to Built Development in accordance with Policy FV8 (relating to Windfall Housing). The minimum figure for Croft is 77 dwellings. As noted earlier, 54 dwellings have been completed in Croft since 2006, with a further 4 commitments (based on the latest Residential Land Availability Report at 31 March 2024) which is below this minimum requirement for Croft, although an additional 95 dwellings would be significantly over the minimum requirement.

Policy FV8 – Windfall Housing

Policy FV8 states proposals for housing development within the Limits to Built Development of the Fosse Villages will be supported. Outside the Limits to Built Development, Areas of Separation and Green Wedges, support will be limited to the stated criteria.

Policy FV12 – Housing Mix

Policy FV12 states that 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. Proposals for development of 10 or more dwellings will need to demonstrate how their proposed mix will meet the need of older households and the need for smaller, low-cost homes. As an outline application, the housing mix is not being agreed at this stage.

Croft Settlement Statement

The Fosse Villages Neighbourhood Plan also includes a settlement statement for each village. This identifies that the population of Croft has been in decline between 2001 and 2011, with a particular decline in the number of young people. It states that with a primary school, pub, recreation ground, small supermarket and convenience store (with post office) there is a reasonable level of services and facilities in the village. There is considered to be a need for affordable rented properties in the village. Affordable homes built at Poplars Road in 2011 were very popular.

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. The Design Guide was updated in December 2024.

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

This new Supplementary Planning Document (SPD) has been adopted following a meeting of Full Council on 24th September and replaces the 2010 SPD. The new SPD supports the implementation of policies in the Local Plan (Core Strategy and Delivery

DPD) in relation to planning obligations and infrastructure requirements arising from development.

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

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

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

Blaby Landscape and Settlement Character Assessment (January 2020)

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

Blaby District Council Open Space Audit (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 Playing Pitch Strategy (2020)

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

Blaby Residential Land Availability Report (March 2024)

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

Joint Strategic Flood Risk Assessment Final Report (October 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.

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 and Active Travel
- Flood risk and drainage
- Residential Amenities
- Developer contributions and infrastructure/ facilities
- Open Space, sport and recreation
- Loss of Agricultural Land
- Archaeology and historic environment
- Environmental Implications
- Ecology and Biodiversity
- Arboricultural implications
- Impact on high pressure gas pipeline
- Minerals safeguarding

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. 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 31st March 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 the PUA, Policy CS1 states that development should be focused within and adjoining Blaby and the Larger Central Villages (i.e. Enderby, Narborough, Whetstone and Countesthorpe), with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages.

Housing delivery in the non-PUA has exceeded the minimum housing requirement set out in the Plan. The Council's recently published Residential Land Availability (RLA) report indicates that as of the 31st March 2024 3,942 homes had been delivered in the non-PUA. The plan indicates a minimum requirement in the non-PUA of 2,990 dwellings. The RLA indicates that around 133 further homes may be completed in the non-PUA before 2029. 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 Croft as a 'Medium Central Village' (along with the settlements of Littlethorpe, Huncote, Cosby and Sapcote). The Medium Central Villages have a combined housing requirement of 815 dwellings across the local plan period (2006 to 2029). It should be noted that this figure is a minimum requirement and is not a cap.

Against this requirement, 1,134 houses had been completed in the Medium Central Villages as of 31 March 2024, resulting in the minimum requirement having been exceeded by 319 dwellings. When taking into account completions and commitments, the figure is slightly higher, at 1,166 houses (an excess of 351 over the minimum requirement) due to some small sites having planning permission but not having been completed. Croft itself does not have an individual housing figure requirement. The village has delivered 54 housing completions during the Local Plan period and therefore arguably has not delivered its fair share of housing among the Medium Central Villages. Furthermore, the 54 housing completions is below the minimum requirement of 77 dwellings in Policy FV7 of the Fosse Villages Neighbourhood Plan which has been adopted since the Core Strategy.

It is recognised that releasing this site would result in the minimum requirement for the

Medium Central Villages in Policy CS5 being further exceeded, although it would provide additional housing for Croft which has not met the minimum requirement set out in the Fosse Villages Neighbourhood Plan (albeit 95 dwellings would be exceed the requirement). However, given the shortfall in the PUA, the proposed development is considered to provide the potential to deliver additional homes in the next 5-year period. Although only in outline form, the application is submitted by a housebuilder and therefore subject to the timely submission of an application for reserved matters application, the site could begin to deliver within 5 years.

The application site is located outside of the Settlement Boundary of Croft 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 as of 1st April 2024. This is notably less than the five-year supply requirement outlined in paragraph 72 the NPPF. Following the publication of the revised NPPF in December 2024 and the Council's revised housing numbers, the land supply position is likely to have significantly reduced below 3.53 years. 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.

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 Croft contains some key services and facilities. It highlights an infrequent bus service to Leicester City Centre and large employment areas around Junction 21 of the M1. It is noted from current timetables that the service (X84 between Leicester and Rugby), run by Arriva, is generally hourly between approximately 6:30am and 7:30pm Mondays to Fridays between Leicester and Croft, with a similar frequency on Saturdays but no service on Sundays. The supporting text also states that there are limited employment opportunities in the village mainly associated with the quarry, and that Croft has significant physical constraints to development, including floodplain and a main gas pipeline. The text does reference significant local concerns regarding the falling school pupil numbers.

It is noted that Croft Church of England Primary School has a capacity of 175 pupils, but only 117 pupils currently enrolled. In recent years, Croft has not been subject to the level of additional housing development which the other Medium Central Villages have, and such development could help to keep the local school financially sustainable, in the context of a national pattern of declining birth rates. The local shops in Croft comprise of a small supermarket/ convenience store located approximately 600 metres from the application site entrance (formerly Co-op, now a Morrisons Daily), and a neighbourhood parade including a further convenience store, takeaways and hairdressers located approximately 700 metres away.

Whilst it is recognised that the 'overprovision' of housing in the Medium Central Villages poses a risk of the spatial strategy of the district becoming out of kilter as it would concentrate residential development within the non-PUA, a less sustainable location. However, in the context of a lack of 5-year land supply and the limited availability of sites within the PUA in the short-term, it is acknowledged that such sites in the non-PUA will need to come forward for development. Croft has not been subject to the scale of new housing development in recent years that other settlements in the non-PUA have (including the other Medium Central Villages, in particular Sapcote). It is also recognised that whilst Croft may be limited in its services and facilities and public transport connections, some level of new housing development within Croft may be beneficial, in particular to support the primary school and those services and facilities which do exist.

Overall, whilst there is conflict with some policies of the Development Plan and the overall spatial strategy, those policies which relate to the supply of housing are considered out of date and must be given reduced weight in the context of the housing supply position. Any adverse impacts of the proposed development must significantly and demonstrably outweigh the benefits if planning permission is to be refused. The impacts of the proposed development are considered further in the subsequent sections of this report.

Impact on the countryside and landscape/visual impact

The application site is situated outside the Settlement Boundary of Croft, on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019) where policies CS18 and DM2 apply.

Policy CS18 states that in the countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape. It requires the need to retain countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations.

Policy DM2 provides more specific policy guidance for development that is appropriate in the Countryside, consistent with Policy CS18. Policy DM2 permits only certain categories of residential development in the Countryside, including those dwellings that meet the essential needs for a rural worker in agriculture, forestry, employment, and leisure, or other similar uses appropriate to a rural area and replacement or the change of use, adoption and extension of existing dwellings.

The site does not fall under any of the categories identified in Policy DM2 and is contrary to both policies CS18 and DM2. The purpose of these policies is to protect the open and generally undeveloped nature of the countryside. Neither does it fit with any of the specified development types appropriate in countryside locations in the NPPF. However, as noted previously in the context of the 'tilted balance', the policies set out in the Local Plan and the NPPF which relate to housing supply are considered out of date and should be applied flexibly given the identified housing land supply position and given that new housing sites to meet the lack of supply will, in most instances, need to be outside of existing settlement boundaries within the Countryside.

Policy DM2, sets out criteria to be met for development proposals consistent with Policy CS18. This includes that the development shall be in keeping with the appearance and character of the existing landscape, development form and buildings, having regard to the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas (NCAs) and any subsequent pieces of evidence.

A Landscape and Visual Appraisal (by FPCR, May 2024) has been submitted with the application. This identifies that the site lies within the National Character Area of Leicestershire Vales (NCA 94). It is described as *"a large, relatively open, uniform landscape composed of low-lying clay vales interrupted by a range of varied river valleys. Its sense of place comes less from its overall landform and more from its visually dominant settlements and views towards surrounding higher ground"*.

At a local level, the Blaby Landscape and Settlement Character Assessment (January 2020) identifies the site as being on the transition between the 'Croft Hill and Quarries' Landscape Character Area (LCA) and the 'Stoney Stanton Rolling Farmland' LCA.

The summary for 'Croft Hill and Quarries' LCA states:

"This character area is located within the central part of the district adjacent to the settlements of Huncote and Croft... The LCA contains Croft Hill, a notable landmark within Blaby District... The active Croft Quarry is a distinct feature of the LCA. Elsewhere, land use is primarily agricultural although there are areas of recreational use associated with the edges of settlements."

The summary for 'Stoney Stanton Rolling Farmland' LCA states:

"This LCA is located towards the southwestern tip of the district... Landform is gently rolling and land use is predominantly arable agriculture, with some grazing and pony paddocks close to the urban fringe... The landscape is relatively settled with several large villages. The low-cut hedgerows and undulating landform results in relatively open views which have a mixture of rural and urban influences."

The assessment states that within both LCAs future development should respect and enhance the strong character of the rural villages, complementing existing context with regards to scale, form, materials and boundary features.

The submitted Landscape and Visual Appraisal for the site comments that potential close-range visual receptors of development within the site are likely to be limited to

residents of properties along the southern fringe of Croft (Poplars Road, Windsor Gardens, Broughton Road, Sparkenhoe and Poplars Farm), along with users of Public Right of Way V44/3, road users on Broughton Road and users of the car boot sale.

It identifies that there will also be potential for more distant views of development within the site from some more distant residential properties but that intervening mature vegetation will provide some filtering effects, and any views would be seen within the context of the existing residential edge of Croft which borders the site to the north.

The report concludes that the site relates well to Croft and is not particularly sensitive in landscape and visual terms with a limited number of potential receptors identified, and with the new housing being seen as part of the overall settlement for the majority of receptors. It concludes that the new development will not result in unacceptable long-term harm to local landscape character and visual amenity.

Your Officers acknowledge that whilst there would be some impact to landscape character, this would predominantly be localised. Based on the viewpoints considered in the Landscape and Visual Appraisal, whilst there may be some longer-range views of the site these would be filtered and in the context of views of the existing settlement of Croft. As such, the impacts on landscape character are not considered to be significant.

Affordable housing and housing mix

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

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

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

Policy CS7 seeks to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. It is worth highlighting that the most up to date information on affordable housing need is set out in the 2022 HENA. This shows a marked increase in need for affordable housing, and this is a material consideration which should be considered in the planning balance. The June 2022 HENA shows that a total of 539 affordable houses per year (including 341 per year as social and affordable rented and 189 as affordable home ownership) are required to meet the District Council's affordable housing need. It is unlikely that this level of delivery will be viable or deliverable, but it highlights the growing need for affordable housing in the district. The submitted Planning Statement indicates that the proposed development includes provision of a policy compliant level of affordable housing (24 dwellings). The Housing Mix and Affordable Housing SPD states that in the case that a fraction of an affordable unit is required the developer will round up the number of affordable units to be provided on site, or alternatively the fraction of a unit

may be provided as a financial contribution. In this instance, the applicant has suggested rounding to 24 dwellings or alternatively 23 dwellings could be provided on site and the 0.75 of an affordable dwelling secured by a financial contribution through the Section 106 agreement.

The Planning Statement refers to providing 25% of all affordable units as 'First Homes' (which were first introduced as a type of affordable housing product in May 2021 through a Written Ministerial Statement and updates to the Planning Practice Guidance. However, in the revised NPPF published in December 2024, the requirement for First Homes was removed, and officers will not be seeking a requirement for First Homes as part of the affordable housing mix.

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

The Council's Housing Strategy team has provided a 'Housing Mix Requirements Assessment' (February 2024) which provides detailed analysis and conclusions relating to both the affordable and market housing. The assessment provides a recommended affordable and market mix for the development. The preferred mix is based on achieving a balance of larger homes and sufficient supply of smaller homes.

The provision of 25% of the dwellings as affordable housing will be secured through the Section 106 agreement. A condition will also be included on any grant of planning permission requiring an appropriate mix of affordable and market housing. The exact size of dwellings and tenure breakdown for the affordable housing will be agreed as part of a subsequent reserved matters application, with the preferred mix forming a baseline for discussions with the Council's Housing Strategy team.

Overall, the proposed development is considered to accord with Policies CS7, CS8 and DM11.

Design and layout

Policies CS2 and DM2 seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character, and ensuring that design contributes towards improving the character and quality of an area and the way it functions. They further seek to create places of high architectural and urban design quality to provide a better quality of life for the district's local community. It is considered that Policies CS2 and DM2 are consistent with the NPPF paragraph 131 and can therefore be given full weight.

The application site is located on the southern edge of Croft, with established residential development to the north and recent residential development at Poplars Road to the northeast.

The illustrative masterplan is not for approval at this stage but provides details of how the site could potentially be developed. It shows the main areas of open space being located at the centre of the site, with a drainage attenuation basin being located towards the boundary with Broughton Road. The main access road for the residential development would be via the existing, improved access to Croft Lodge Farm, with a secondary road through the site being in the position of the current car boot site access. A new second access onto Broughton Road would be created, to accommodate the access to the car boot site to avoid this passing through the development. On the Broughton Road frontage, and the southern edge of the site, the dwellings are shown as facing outwards, behind edge lanes or private drives. Existing hedgerows on the site or along highway boundaries would be retained. On the western edge of the site (between Croft Lodge Farm and Paradise Spinney), the dwellings are shown as facing inwards, but enhanced boundary planting is proposed here, to form the boundaries of the residential curtilages.

The overall site area is 4.25 hectares (excluding the red line areas for the car boot access and sections of Broughton Road). 0.94 hectares is proposed to be Public Open Space and 0.25 hectares for the attenuation basin, leaving 3.06 hectares (72%) for residential development including roads and parking areas. The open space provision is discussed later in the report. The density of the development therefore equates to approximately 30 dwellings per hectare.

Chapter 11 of the NPPF refers to making effective use of land and achieving appropriate densities, whilst also taking into account the desirability of maintaining an area's prevailing character and setting. The density of 30 dwellings per hectare is considered by Officers to be appropriate for this edge of settlement location. This is at the lower end of the range of densities which the National Model Design Code considers is appropriate for a suburban location, or in the middle of the range for 'outer suburbs'.

Transport and highway implications and Active Travel

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

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

Site Access

Although the application is in outline form, access to the site is a matter for consideration at this stage. The submitted Transport Assessment indicates that the development would be accessed via an upgraded simple priority-controlled T-junction on Broughton Road. In addition, a second access further south along Broughton Road

would serve the existing car boot sale every Sunday. It is also proposed to relocate the gateway feature on Broughton Road and the 30mph speed limit, with dragon teeth to the south to include both accesses. Two chicanes are also proposed along Broughton Road between the two sites accesses to slow vehicles down as they travel past the site frontage.

The Local Highway Authority (LHA) (Leicestershire County Council) has no in principle objections to these proposals but has noted that it would require street lighting along the entire length of the proposed 30mph section, with a traffic regulation order being required, which is requested as a contribution of £15,000.

Regarding the traffic calming (chicane) features along Broughton Road, the LHA has welcomed the provision of swept path analysis which demonstrates that the chicane locations are suitable. Vehicular visibility splays of 2.4 metres by 59 metres for the development are shown, which can also cater for farm traffic. An independent stage 1 road safety audit has been undertaken the LHA has advised that it is content with the designer's response to the audit. The LHA is content that the proposed development would not exacerbate any known highway safety concerns.

Trip generation and distribution

The Transport Assessment indicates that the development will generate up to 61 two-way vehicle trips in a peak hour, most of which would route to and from the south of the site, via Broughton Road towards the Coventry Road/ Broughton Road junction and thereafter dispersing onto the surrounding highway network. It suggests that the Coventry Road/ Broughton Road junction could accommodate the additional traffic generated by the development and that there is no accident history along Broughton Road and Coventry Road in the vicinity of the site, although some comments from members of the public have raised concerns about vehicles speeding and a need for traffic signals at the B4114 junction. The LHA has agreed the distribution and assignment exercise.

Junction assessments

Based on the traffic distribution, assessments of the following junctions have been undertaken (some at the request of the LHA):

- Broughton Road/ Site Access priority T junction;
- Coventry Road (B4114)/ Broughton Road priority T junction;
- Coventry Road (B4114)/ Croft Road signalised T junction;
- King Edward Avenue (B4114)/ Desford Road roundabout; and
- Leicester Road/ Blaby Road/ St Johns/ Enderby Road junction (Foxhunter roundabout).

The LHA is content that the assessed junctions would operate within capacity or the performance of the junctions would not materially worsen. For the Foxhunter roundabout junction, the applicant's transport consultant has indicated that the proposed development would only result in a 0.7% impact to flows at the junction within peak hours and so it would be unreasonable for the LHA to seek amendments or any mitigation at this junction.

Walking, cycling and wheeling/ Active Travel

The Transport Assessment indicates that there are opportunities for pedestrian and cycle travel to and from the site, with many facilities in Croft within walking and cycling distance of the site. The road network within the village is generally residential in nature and lightly trafficked. Broughton Road is a so called 'quieter route' which can be followed through Huncote and Narborough to off-road cycle provisions in and around Leicester, although dedicated cycling infrastructure is limited in the vicinity of the site.

It is proposed to provide a new footway and uncontrolled crossing (with dropped kerbs and tactile paving) along Broughton Road to link the development site with the existing footway network. The LHA is content with this provision. Although no additional provisions are proposed for cycling and wheeling, given the proximity to Croft village and considering that Broughton Road is a designated quieter route, the LHA does not request specific provisions, but notes that this should not prejudice any considerations the District Planning Authority may wish to make in relation to its own Local Cycling and Walking Infrastructure Plan (LCWIP).

Blaby District Council's Active Travel Officer has advised that the applicant has made several reasonable proposals to mitigate single occupancy car journeys, and the inclusion of a new footway and crossing are welcomed. Regarding the proposal for a new bus stop, it is advised that this should be covered and provide adequate seating. Regarding the targets for walking and cycling, it is commented that the suggested 10% reduction in single occupancy car journeys is unambitious and should reflect the national ambition that half of all short journeys should be undertaken by active modes by 2030. It is also advised that further provision for cycle parking should be included (although this can be dealt with through a future reserved matters application).

Public transport

With regards to bus travel, the Transport Assessment notes that there is a regular hourly service in Croft which is 800 metres walking distance of the site. As only the southbound service runs past the site, it is proposed to locate an additional bus stop for the southbound route on Broughton Road just north of the site to bring this walking distance closer to the site. In addition, Croft is also served by a demand-responsive bus service.

The LHA has provided further comments on the bus service, which is the X84 from Leicester to Rugby via Fosse Park, Broughton Astley, Lutterworth and Magna Park. The nearest stop for the Rugby bound service is on Broughton Road, approximately 500 metres from the site and the bus stop for the Leicester bound service is on Arbor Road, approximately 770 metres from the site. The LHA welcomes the proposal to relocate the bus stop on Broughton Road to reduce the distance to the development site, which the LHA welcomes (although it is noted that this has not been required by condition).

The nearest railway station is Narborough, some 4.7 kilometres from the site. It is noted that the X84 bus service calls at bus stops within 260 metres of the station.

Travel Plan

A Travel Plan has been provided with the application and forms part of the mitigation package. Its purpose is to seek to manage travel during the occupation of the development and includes measures such as the appointment of a Travel Plan coordinator, monitoring fees, travel packs for residents and bus passes.

The LHA considers that further work is required on the Travel Plan. In particular, the LHA considers that there should be a more detailed understanding and commitment to delivering sustainable travel initiatives, and requests that an amended travel plan is resubmitted, which is to be secured by condition. Contributions are requested by the LHA for the Travel Plan monitoring fee, travel packs, and six-month bus passes.

Flood risk and drainage

Paragraph 173 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 of the Core Strategy states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.

Fluvial and surface water flood risk

The application site is located entirely within Flood Zone 1, being at a low risk of flooding from rivers (with a less than 1 in 1000 chance of flooding occurring each year). The majority of the site is at very low risk of flooding from surface water (less than 1 in 1000 chance) although an area of low to high risk of surface water ponding is shown to be present in the eastern corner of the site associated with an existing natural topographical low point. The Flood Risk Assessment considers that as the ponding is localised and generated within the site it is anticipated that this can be mitigated by the surface water management to be implemented as part of the proposed development.

The Lead Local Flood Authority (LLFA) (Leicestershire County Council), whilst initially raising concerns (which have since been addressed), has not objected to the planning application. However, the NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at higher risk. Paragraph 181 of the NPPF sets out that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where specific criteria are met.

Sequential test

The NPPF sets out the sequential, risk-based approach to individual applications in areas known to be at risk now or in the future from any source of flooding. Paragraph

174 states that the aim is to steer new development to areas with the lowest risk of flooding from any source, and that development should not be allocated or permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding. Paragraph 175 states that the 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 or in the future.

As the submitted parameters plan shows that a limited amount of built development is proposed within areas at high risk of surface water flooding, a Sequential Test has been undertaken for the site. The search parameters for the test were first discussed with Officers, which has guided the search for possible alternative sites. It was agreed that a suitable search area would be the entire district and that sites able to accommodate between 75 and 125 dwellings should be considered (i.e. +/- 20 dwellings). The Planning Practice Guidance (PPG) states that reasonably available sites could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. It was also agreed that sites could be discounted where they are not reasonably available now.

Of the 105 potential alternative sites identified, 104 sites were discounted for a variety of reasons (not providing a capacity for 75-125 dwellings either alone or as a series of smaller connected sites, development having already commenced on the site, not deliverable in the next 7 years, other site constraints or deliverability considerations, or the site being owned or actively promoted by another householder or developer (and therefore not available). One potential alternative site remained (Land at Leicester Road, Sapcote for 80 dwellings) which was recently granted outline planning permission in 24/0511/OUT. Whilst this site also has some surface water flooding identified within its application boundary, it cannot be said to be worse than the application site.

As such, the application site fails the sequential test. The NPPF states that *“development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”* (para. 174). However, the failure of the sequential test is a matter which needs to be weighed in the planning balance in the context of other material considerations.

There are recent examples of appeal decisions and court cases whereby it has been considered that even where the sequential test has failed, planning permission may be granted if there are strong reasons for still granting permission. In the recent Yatton appeal case (APP/D0121/W/24/3343144) a Planning Inspector considered that even though the proposal did not pass the Sequential Test, this was not necessarily fatal to the application and that wider sustainability benefits outweighed the flood risk. The Inspector in that case considered that a rigid application of the test, in the face of urgent housing need and the site's relatively low flood hazard, would be disproportionate. The Inspector also gave weight to the design appropriate which included elevated finished floor levels, attenuation measures, and a strategy for safe access and egress during flood events. The Inspector also had regard to the Mead Judgement ([2024] EWHC 279) where the Judge stated “the policy objective is to

direct development away from areas at highest risk [of flooding], not to preclude development altogether”.

Therefore, whilst the proposed development fails the flood risk sequential test and therefore does not accord with Policy CS22 (which seeks to direct developments to locations at lowest risk of flooding), this is a matter which must be weighed in the planning balance alongside other material considerations.

Surface water drainage

The proposed development proposes to discharge surface water to the local watercourse at the equivalent greenfield QBar rate. This will be achieved through surface water attenuation and storage on site as part of the development proposals. Attenuated surface water storage will be provided in the form of a Sustainable Urban Drainage System (SuDS) detention basin with capacity for the 1 in 100-year storm with an allowance for climate change. The proposed storage volume required has been calculated to be 1,310m³ but the final required attenuated storage volume will be determined during the detailed design stage once the development layout and drainage areas are fixed.

The Lead Local Flood Authority (LLFA) (Leicestershire County Council) initially commented that they would wish to see commitment to additional SuDS (in addition to the detention basin) to ensure sufficient treatment train is provided. The LLFA also commented that there was no evidence to demonstrate that the applicant had consulted with the third-party landowner regarding the location of the surface water outfall, and it was unclear if the watercourse through the site would be retained in its current form or culverted (the LLFA does not allow culverting of watercourses unless agreed to be necessary).

Further details in relation to the design of the attenuation basin were provided and a revised drainage strategy plan showed the proposed outfall to be an existing surface water drainage located within the site boundary and the existing watercourse is to be retained as an open channel with a 4.5 metre easement. Subsequent to this, the LLFA confirmed that the proposals were acceptable, subject to conditions being imposed requiring full surface water drainage details, details of surface water management during construction, details of long-term maintenance, and a requirement for infiltration testing.

Foul drainage

The Drainage Strategy indicates that as the site is currently undeveloped a new foul drainage connection must be sought. Due to the site levels relative to the proposed point of connection a gravity solution is not viable and a pumping station is required. A pre-development enquiry was submitted to Severn Trent Water and their response has been included in the Drainage Strategy. Their response advises that additional modelling will be required to assess the impact of the additional flows. Severn Trent Water were consulted on the planning application but have not provided a response.

Overall, it has been demonstrated that the flood risks to the development can be managed, without increasing flood risk elsewhere, and will not result in an increase in flood risk off-site.

Residential Amenities

Policy DM2 seeks to ensure that development consistent with Policy CS18 provides a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing and nearby residents, including but not limited to, considerations of, privacy, light, noise, disturbance and an overbearing effect and considerations including vibration, emissions, hours of working and vehicular activity.

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

However, the proposed development is located adjacent to the settlement boundary of Croft and so would be located in reasonably close proximity to some existing residential properties, in particular those on Sparkenhoe, Broughton Road, and Croft Lodge Farm itself. The vehicular access to the site would be located close to properties on Poplars Road, on the opposite side of Broughton Road.

Whilst those properties on Sparkenhoe in particular, which currently form the edge of the built up area, will be affected, there is currently a mature hedgerow along this boundary (at the northern edge of the site) and as such, with the hedgerow being retained, it is not considered that the impacts on privacy or overlooking to these properties would be significant.

A concern has been raised about the impacts on nearby residents on Sparkenhoe during the construction period. However, any severe impacts during the construction period can be mitigated, to an extent, through the submission and approval of a Construction Management Plan.

In terms of the residential amenity of future occupiers of the site, the illustrative masterplan and layout plan show that the suitable orientation and separation distances of dwellings is achievable within the development, allowing for back-to-back distances of dwellings of approximately 20 metres or more. This would help to ensure the protection of the amenities of future occupiers of the site in terms of privacy and overlooking.

A Noise Impact Assessment has been undertaken and submitted with the application. Existing potential noise impacts include those associated with Croft Lodge Farm (including farming activities and the kennel business located at the farm), Croft Lodge Car Boot and traffic entering or leaving the site, and road traffic noise. The Noise Assessment confirms that the existing kennel facilities at Croft Lodge Farm will cease to operate when the development is built out and therefore noise from this source has not been considered within the assessment. The report concludes that based on the

results of the assessment, the site is suitable for residential development. A condition can be included requiring the closure of the kennels.

The application is therefore considered to comply with Policy DM2 of the Local Plan.

Developer contributions and infrastructure/ facilities

Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. It states that the Council will work in partnership with delivery agencies to ensure that development provides the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of development. Policy CS12 states that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute towards their provision (and in some cases maintenance).

A request for funding towards secondary education provision, library services, and civic amenity and waste facilities was received from Leicestershire County Council. Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB) has also requested a financial contribution for use at an existing GP surgery and/or to develop alternative primary/community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development. Leicestershire Police requests a contribution to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet with new demand.

Education provision

A partial request for contributions of £9,456.40 is sought to create additional capacity within secondary education provision in the vicinity of the development to address a marginal deficit in the number of secondary pupil places if the development were to proceed. However, in relation to primary education there are surplus places within a 2-mile radius if the development goes ahead. In relation to post-16 education, there is sufficient capacity within schools within a 3-mile radius. In relation to special education and disabilities (SEND) education, as the proposed development is for less than 100 dwellings, there is no request for contributions towards the SEND education sector.

The secondary contribution sought is to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities.

Libraries

The nearest library to the development is Broughton Astley library and it is considered that the development will create additional pressures on the availability of facilities at that library and others nearby. A contribution of £2,868.78 is sought to provide improvements to the library and its facilities.

Waste contribution

A contribution of £2,267.65 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 £73,568.00 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 due to the increase in population linked to this housing development. Whilst Croft itself has no GP surgery, the ICB has identified existing GP surgeries in Broughton Astley, Stoney Stanton and Sapcote where the contribution could be used.

Police

Leicestershire Police has requested a contribution of £18,173.10 to mitigate the additional impacts of this development because the Force's existing infrastructure will not have the capacity to meet the new demand generated by the development. The Force indicates that the funding will be used for equipment, police vehicle charging points, ANPR and identification technology, crime reduction equipment, infrastructure and estate support and new technological developments.

However, having recently reviewed the requests from Leicestershire Police for a number of developments, your Officers are of the view that only the parts of the request which relate to police vehicles and ANPR and identification technology are capable of complying with Regulation 122 of the Community Infrastructure Regulations 2010 (the CIR Regulations) (i.e. necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).

Whilst discussions with Leicestershire Police in relation to their contribution requests are continuing, Officers currently only consider that the £2,765.26 sought for police vehicles and £2,299.00 for identification technology can be secured through the Section 106 agreement.

Utilities

A Utilities Statement has been submitted with the application which reviews the records of existing utility supplies and highlights and constraints. It provides details of the utility companies that have been contacted in relation to the development. It anticipates that minor upgrades to the existing utility network infrastructure may be required to accommodate the anticipated electric and water demands

Policy DM4 of the Delivery DPD states that all new build major residential and commercial development should be served by a fast, affordable and reliable

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

Open Space, sport and recreation

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

Contributions for open space provision or improvements within the parish will be sought in line with the provisions of Policy CS15 and the Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance, February 2024.

Updated 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 Developer Contributions Supplementary Planning Document includes guidance to support the Local Plan in relation to open space, sport and recreation requirements for developer contributions. It suggests that for a development of between 50 and 99 dwellings, informal open space and provision for children and young people would normally be expected on-site, but an off-site contribution could be sought for parks and recreation grounds, natural greenspace and allotments and community gardens.

On-site open space provision

Based on the requirements of Policy CS15, the following amounts of public open space required to serve the development have been calculated. The calculations assume a household size of 2.4 persons per dwelling (meaning the development of 205 dwellings would have a total population of 492 people). This is consistent with the average estimated household sizes in the 2021 Census where the average household size is 2.41 for England, 2.4 for Leicestershire, and 2.42 for Blaby District.

The Open Space Plan indicates that a total of 0.91 hectares of public open space will be provided on site, along with 0.25 hectares for an attenuation basin. The open space is predominantly located to the centre of the site, with edge open space around the edges of the site.

The on-site open space comprises the parks and recreation, natural green space, informal open space, and children and young people's space. No outdoor sports space, allotments or cemeteries are proposed on the site.

Type of open space	Amount per 1000 population in ha (Delivery DPD figures)	Amount for 95 dwellings (228 population) in ha	Actual Provision in ha
Parks and Recreation	0.23	0.05	0.9 (combined figure)
Natural Greenspace	2.6	0.59	
Informal Open space	1.0	0.23	
Children and Young People's Open space	0.06	0.01	0.04
Allotments and Community Gardens	0.25	0.06	None – off site?
Cemeteries and churchyards	0.21	0.05	None – off site?
Sports	Refer to Open Space Audit	Refer to Open Space Audit	None – off site?
Other	-	-	0.25 (attenuation basin)
TOTAL		0.99	0.94 (+0.25 attenuation basin)

The overall amount of open space being provided on site (based on the indicative layout plan) is just below the requirement of 0.99 hectares. However, the 0.94 hectares being provided does not include the attenuation basin which is in addition to this, and may form an additional area of usable open space as it is understood that it would not hold water continuously. Also, the on-site open space does not include allotments or cemeteries where an off-site contribution may be sought (dependent on the level of existing provision, as discussed further below). An off-site contribution will also be required for sport as this is not being provided for on site. The open space will also include areas which may require specific maintenance or limited public access for Biodiversity Net Gain (BNG) purposes.

Although the proposed masterplan is illustrative only and layout is to be agreed as part of future reserved matters applications, it is anticipated that the development will come forward broadly in line with the masterplan. The Section 106 agreement can ensure that a minimum amount of open space is provided on-site.

Off-site open space contributions

As mentioned, the on-site open space does not include provision for outdoor sports space, or cemeteries/ churchyards. As such, it is considered appropriate for contributions to consider whether off-site contributions should be required, to address the open space needs of future residents. Any financial contributions will be secured through the Section 106 agreement.

Sports provision

Whereas the original Policy CS15 in the Core Strategy set a standard in hectares for outdoor sports provision per 1000 population, the Updated Policy CS15 in the Delivery DPD instead refers to the Open Space Audit for guidance on quantity and quality requirements. An Open Space Audit was produced in 2015 for the Council and was the evidence that informed the Updated Policy CS15, with a revised audit published in 2019. In relation to outdoor sports provision, the audit provides detailed evidence in relation to various sports and playing pitch types. However, the accompanying text to Policy CS15 states that the quantity and type of provision will be assessed on a site-by-site basis, taking into account the scale and location of development, the Open Space Audit data, and other relevant Council strategies and policies.

The Planning Obligations and Developer Contributions SPD advises that the Council's Health and Leisure team will be consulted in relation to identifying the need for additional and improvements to sports facilities. It also indicates that the Council's Playing Pitch Strategy will be used to assess existing outdoor sports provision within the District and to identify gaps and potential priorities for future investment. It states that rather than setting standards per amount of population, requirements for additional outdoor sports facilities will be based on a more detailed assessment of local use and demand.

The Council's Health and Leisure team has requested a contribution of £167,122 and has recommended that this be used towards an artificial grass pitch and changing facilities at Stoney Stanton War Memorial Fields, and pitch improvements to grass pitches at Sapcote Pavilion.

Croft Parish Council, however, has submitted its own bid for an off-site sports contribution to be used in Croft itself, with the preferred option being the construction of a pump track (to be used by bicycles, scooters and other wheeled equipment) on land at Croft Pavilion (Winston Avenue). The Parish Council advises that there are currently only two pump tracks known to exist in Leicestershire, at Western Park, Leicester and Earl Shilton. It advises that the pump track could be accommodated around the existing football pitches and would be located away from residential properties. The estimated cost of the facility is £145,000. The Parish Council advises that consideration has been given to improving the current sports pitches and facilities at Winston Avenue, but this has been discounted as the pitches are in the functional flood plain and are regularly inundated with water. Additional drainage was installed 15 years ago which has assisted with drainage of water post-flooding, but without substantial change to the levels of the pitches and a complete new sub-base, the ability to improve the condition of the pitches is not realistic. The cost of such changes, if even possible, is estimated to be in excess of £750,000. Discussion over flood lighting

of the pitches is understood to have been undertaken with the football club that uses the space but due to the issues with flooding, this would not be a beneficial improvement as the pitches would still be in an unplayable condition for a large section of the winter.

Croft Parish Council considers that it would be of greatest benefit if off-site facilities linked to the development were provided in Croft itself. The Parish Council undertook a survey with local residents in April/May 2024 and received 17 responses were received where 12 residents suggested a need for additional facilities for young people in the village, particularly children of secondary school age. Croft Parish Council therefore welcomes the opportunity to extend the range of facilities on offer and the suggestion of a pump track would encourage outdoor sport and activity and would specifically cater for children of this age range. The Parish Council comments that the £145,000 required is appropriate, given this is less than the £167,122 requested by the District Council's Health and Leisure team.

As such, two separate requests have been made for an off-site sports contribution, from the District Council's Health and Leisure team (using Sport England's Playing Pitch calculator) and from Croft Parish Council. Meanwhile, the Health and Leisure team has also had discussions with Croft Football Club in relation to whether there is the ability for the grass pitch improvement fund to be used in Croft. As planning obligations must comply with the Community Infrastructure Levy Regulations 2010, (they must be necessary, directly related to the development, and fairly and reasonably related in scale and kind), it would not be reasonable to require both contributions. Officers recognise the benefits of the contribution being used in Croft if possible but also recognise that future residents could use improved facilities elsewhere if appropriate improvements are not possible in Croft.

As such, Officers recommend that the full amount requested by the Health and Leisure team be secured, but that the Section 106 agreement should be left flexible as to how the money is spent on sports facilities within the vicinity of the site, as developments can take a number of years to come forward and priorities for investment could change in the meantime (or facilities could be funded through other mechanisms or by other developments).

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 0.05 hectares of cemetery space. The Open Space Audit 2020 identifies that the existing standard for cemeteries in Croft is 0.72 ha per 1000 people, in excess of the policy requirement, with the allotments located on Huncote Road, just over 1km from the application site entrance. The proposed development would increase the population of Croft by circa 228 additional people. With the increased population, the existing cemetery open space provision would decrease to 0.63 ha per 1000 people, but this would still be significantly above the Policy CS15 standard of 0.21 ha/1000 people, and as such it is not considered that a contribution for off-site cemetery open space would be necessary or justified.

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 0.06ha of allotment space. The Open Space Audit 2020 identifies that the existing standard for allotments in Croft is 0.79 ha per 1000 people, in excess of the policy requirement, with the allotments located on Arbor Road, just over 1km from the application site entrance. The proposed development would increase the population of Croft by circa 228 additional people. With the increased population, the existing allotment open space provision would decrease to 0.70 ha per 1000 people, but this would still be significantly above the Policy CS15 standard of 0.25 ha/1000 people, and as such it is not considered that a contribution for off-site allotment open space would be necessary or justified.

Community halls

Updated Policy CS15 of the Delivery DPD also has a standard of 1 village or community hall per 2,200 people (ideally located within 800 metres). Croft has a population of 1,648 according to the 2019 Open Space Audit, Croft, up to 1,746 based on the 2021 census. It has a community hall (Croft Pavilion) at Winston Avenue; however, it is understood that the building cannot be readily used due to the poor facilities.

Croft Parish Council has advised that the building is circa 70 years old and in need of modernisation and is not of a standard to be hired out and has been virtually unused for a few years, only being used once a week by the football club and the parish council for a monthly meeting. The parish council has advised that to raise the quality of the facility where it could be used more widely by the community, it would require a new kitchen and toilet, the cost of which is estimated to total £20,000, and request a contribution for this purpose.

The proposed development would increase the population of Croft to nearly 2,000 people, which is nearly at the standard where a settlement would require a community hall. Given the additional population which the development would result in, and the contribution enabling the existing building to better serve the community, it is considered reasonable to require the contribution.

Loss of Agricultural Land

The NPPF expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Agricultural land is graded into 5 categories ranging from grade 1 (excellent quality agricultural land) to grade 5 (very poor quality). Grades 1, 2 and 3a (grade 3 is subdivided into two grades) is the land which is defined as the best and most versatile (BMV). In order to ensure this land is protected where necessary planning authorities are required to consult Natural England on applications which would result in the loss of 20ha or more of such land. Below this threshold it is for the planning authority to decide how significant the agricultural land issues are.

An Agricultural Land Classification Report has been submitted with the application. The survey has determined that the quality of agricultural land on the site is limited to Subgrade 3b. As such, the land to be lost is not classified as BMV agricultural land and so the loss of such land for agricultural purposes is not considered to warrant refusal of the application or conflict with the principles of the protection of agricultural land set out in the NPPF.

Archaeology and historic environment

Policies CS20 and DM12 seek to preserve and enhance the cultural heritage of the District and recognise the need for the Council to take a positive approach to the conservation of heritage assets. Policy CS20 goes on to state that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

An Archaeological and Heritage Assessment has been submitted with the application which considers the impact of development on designated and non-designated heritage assets, and the potential impacts on archaeological interests.

The site does not contain any designated heritage assets and an assessment of designated heritage assets in the wider area has identified that the site does not contribute to their significance and therefore no designated heritage assets would be adversely affected by the proposed development. Similarly, the site does not contain any non-designated heritage assets and where such assets in the wider area have been considered, their significance is not considered to be harmed by the proposed development.

With regards to archaeology, the site is identified as having a very low potential to contain archaeological remains from any period, with the exception of 'negligible' value buried remains related to medieval and later farming practices. Earthworks related to ridge and furrow, of medieval or post-medieval date, survive across parts of the site. These are of varying levels of preservation and are not considered to be of more than low/local value.

The Leicestershire County Council Archaeology team has been consulted and initially did not agree that the potential for the presence of significant archaeological remains was 'very low'. The archaeologist advised that the submitted masterplan made no allowance for the preservation of ridge and furrow features and recommended that a topographic survey was undertaken to better understand the earthworks, prior to carrying out trial trenching. The applicant subsequently provided a Written Scheme of Investigation (WSI), which was received by the County Archaeologist and was considered to propose a satisfactory programme of archaeological work.

Archaeological investigations were then carried out on site in November 2024, in accordance with the WSI, and an Archaeological Evaluation Report compiled and submitted.

The County Archaeologist has reviewed the earthwork survey and trial trenching report and recommended that no further archaeological work is required for the application.

In relation to the ridge and furrow on site, the archaeologist has advised that given the level of earthwork preservation (particularly the northern parcel) and the flexibility afforded as an outline scheme), the applicant should consider opportunities to accommodate the earthworks within areas of green space, to retain them as a tangible component of the landscape. However, the archaeologist does not recommend that this is made a requirement of any planning permission and would not expect the applicant to compromise the development in order to achieve this but encourages this to be given serious consideration as part of the design process.

Overall, the application is considered to comply with Policy CS20 of the Core Strategy and Policy DM12 of the Delivery DPD.

Environmental Implications

Contamination

A Phase 1 Geo-Environmental Assessment dated May 2024 has been submitted with the application. This concludes that the proposed development is considered to pose a low risk to human health due to the limited potential sources of contamination identified. It recommends that a ground investigation should be undertaken at the site to confirm ground conditions and the presence of any contaminants. The Council's Environmental Services team has been consulted and has recommended a condition requiring a site investigation, and any remediation required being undertaken, followed by appropriate validation.

Construction Impacts

The Council's Environmental Services team has advised that the construction phase is likely to be lengthy and may give rise to excess dust, noise and vibration which has the potential to adversely impact the amenity of those living nearby. A condition requiring the submission and approval of a Construction Environment Management Plan is recommended. This document can be combined with the Construction Traffic Management Plan requested by the Local Highway Authority. In addition to the Noise Impact Assessment already carried out, the Environmental Services team has also advised that further information on exact mitigation measures through a further noise report should be submitted and approved at the design stage to demonstrate the proposed measures will provide sufficient mitigation of current potential noise exceedances. However, this is not considered to be necessary, given the submitted noise survey identified limited impact in terms of existing noise sources. The existing kennels business at Croft Lodge Farm (a potential source of noise for future residents) is proposed to be closed and so a condition requiring this can be imposed instead, alongside a condition requiring compliance with the recommendations of the existing noise assessment.

Waste Collection

The new Planning Obligations and Developer Contributions SPD 2024 makes provision for developments of over 10 dwellings to provide contributions for suitable facilities for recycling and waste collection, for example wheelie bins. It states that to

cover the cost of bins for recycling and refuse £49.00 per household will be sought on all major schemes. This amounts to £4,655 for the development.

Ecology and Biodiversity

Ecology appraisal

An Ecological Appraisal has been submitted with the application, which included a preliminary protected species scoping survey, field survey and Biodiversity Net Gain assessment. The site was dominated by modified grassland. Other habitat within and/or bounding the site include cereal crops, developed land, sealed surface, other neutral grassland, tall forbs, hedgerow and broadleaved trees.

The appraisal does not consider that the proposed development would have any direct or indirect impact on any statutory designated or non-statutory designated sites within an appropriate search radius of the site.

The potential for protected species or habitats to be present on site and impacted by the proposals has been assessed. Whilst the existing site offers breeding potential for a range of widespread species, the majority of which will continue to breed within a residential setting particularly as gardens mature. The presence of protected species has not been identified as a statutory constraint to development.

The Leicestershire County Council ecologist considers the appraisal to be satisfactory for an outline application with suitable evaluation of protected species, habitats and designated sites. Conditions are recommended requiring an updated badger survey if development does not commence within six months, the submission and approval of a bat-sensitive lighting plan, and a Construction Environmental Management Plan for Biodiversity.

Biodiversity Net Gain

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

A Biodiversity Net Gain Assessment has been undertaken which indicates that, based on the illustrative masterplan, the development would result in a net loss to biodiversity of 36.67%. However, the applicant has identified an offsite parcel of land that is within the same ownership as the application site and is available to be used for biodiversity net gain, approximately 460 metres northwest of the application site. It is recommended that 2.3 ha of other neutral grassland is created within this offsite land (which is currently used for arable purposes). As such, the BNG assessment undertaken within the onsite and offsite land will result in the scheme achieving a net gain to biodiversity of 15.18%.

The Biodiversity Metric submitted is considered acceptable to the Leicestershire County Council ecologist. A condition requiring a Habitat Management and Monitoring

Plan is recommended to provide details on how the proposed habitats will be achieved to the condition stated. The statutory Biodiversity Gain Plan condition will also apply, and costs for monitoring of BNG will be secured through the Section 106 Agreement (with monitoring to be carried out by Leicestershire County Council's ecology service).

Arboricultural implications

An Arboricultural Assessment has been submitted with the application which considers the arboricultural impacts of the development and includes analysis of the trees present on site and a categorisation of their quality. The majority of trees and hedges on or around the site are classed as category B (moderate quality) but with three category A trees to the southern boundary, and the area of woodland to the south a category A group. The majority of trees and hedgerows are capable of retention, but two small sections of hedgerow will require removal, one to create the car boot access onto Broughton Road and the other to provide a widened access to the southwest field parcel. The impact on existing tree stock is therefore minimal and there would also be opportunities to increase the overall canopy cover and arboricultural value through additional tree planting as part of the development. The report advises that retained trees should be adequately protected during works and a condition will be imposed to secure details of protection measures.

Whilst the Leicestershire County Council ecologist has not responded to the consultation on the application, Officers are confident that the proposed development would not have a significant impact on trees or hedges on the site. A landscaping scheme for the site will be agreed at reserved matters stage. A condition requiring the landscaping to be retained for at least the first 5 years should be imposed. However, any landscaping with areas of public open space which forms part of the on-site Biodiversity Net Gain provision, would be required to be retained for a longer period of 30 years.

Impact on high pressure gas pipeline

Part of the application site is located within the High-Risk zone of a high pressure gas pipeline and a Holding Objection was initially placed on the application by the Health and Safety Executive and National Gas Transmission.

National Gas Transmission advised the applicant to conduct a Quantitative Risk Assessment. Subsequent to the submission of the assessment, National Gas Transmission advised no objection to the proposal on the basis that the development would fall outside of the pipeline easement and Building Proximity Distance (BPD) of 76 metres but within the 4x BPD distance of 304 metres. However, the development has been risk assessed and is considered acceptable to National Gas Transmission. The Health and Safety Executive had also removed its objection and based on the proposed number of dwellings did not advise, on safety grounds, against the granting of planning permission, with the site being located in the outer zone of the High Pressure Gas pipeline.

Minerals safeguarding

The site is located partially within a Mineral Safeguarding Area (MSA) for superficial sand and gravel resources, as identified by the Mineral Planning Authority (MPA) (Leicestershire County Council). British Geological Survey online mapping shows the superficial geology is glacial till, with the solid geology beneath the Mercia Mudstone Group, with both deposits not classed as safeguarded resources.

Minerals planning policy is outlined in the Leicestershire Minerals and Waste Local Plan, adopted in 2019. Policy M11 (relating to the Safeguarding of Mineral Resources) is of relevance.

A Mineral Resource Assessment has been undertaken which concludes that no mineral sterilisation will occur as a result of the proposed development as the site is not located above any of the safeguarded mineral deposit and so the proposed development is compliance with the mineral safeguarding policy.

The MPA has been consulted and has no objections, acknowledging the conclusion of the report that the mineral is not viable with the site not being located upon any identified sand and gravel deposit.

Overall Planning Balance and Conclusion

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

However, as set out in the report above, it is acknowledged that the Council can only demonstrate a 3.53-year housing land supply (or less following the publication of the revised 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 11d of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provide a strong reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and any harm arising from the proposal must 'significantly and demonstrably' outweigh the benefits in order to refuse planning permission.

The proposed development would provide up to 95 dwellings, of which 25% would be affordable dwellings on a site which adjoins the Settlement Boundary of Croft, a Medium Central Village. The spatial strategy set out in Policies CS1 and CS5 of the Core Strategy allocate only a modest amount of growth in the Medium Central Villages, where the scale of development will reflect the settlement's range of available services and facilities and public transport alternatives. The Medium Central Villages have a combined minimum housing figure of 815 dwellings within the Local Plan period which has already been exceeded by at least 319 dwellings. Croft itself, however, has only delivered 54 housing completions within the Local Plan period (although the Local

Plan does not align an individual figure to Croft). As the site is classed as Countryside, Policy CS18 requires the need to retain Countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations.

However, due to the absence of a five-year land supply, those policies which are the most important for determining the application are considered out of date (i.e. those policies which relate to the distribution of housing) and the provision of up to 95 houses would weigh significantly in favour of the proposal. Furthermore, given that Croft has only delivered a small proportion of the housing growth within the Medium Central Villages, the development would also deliver much needed housing and affordable housing for Croft and also provide an additional population in the village to support existing services such as local shops and, in particular, the primary school which is quite significantly undersubscribed.

The development would also provide on-site open space, a contribution towards new or improved off-site sports facilities, and a contribution for improvements to the community hall on Winston Avenue to enable it to be brought into fuller use for the benefit of new residents of the development, as well as contributions towards secondary education, health care, libraries, civic waste facilities, and the police to meet the needs arising from the development. The statutory requirement for Biodiversity Net Gain has been demonstrated to be achievable through a combination of on and off-site habitat improvements. The site will provide economic benefits during construction, and post-development future residents will contribute to the wider local economy in the village and surrounding area.

It is acknowledged that there would be some impact on landscape character, but this would predominantly be localised, and longer-range views would be filtered by vegetation and viewed in the context of the existing settlement. Furthermore, part of the site is located in an area of surface water flood risk. One sequentially preferable site has been identified which would be suitable and available to contain the development and therefore the flood risk sequential test has failed. In such circumstances the NPPF states that planning permission should be refused. However, the area of flood risk on site is relatively limited and it is likely that it can be mitigated through the surface water drainage strategy or by containing the built development on areas of the site which are at lowest risk of flooding (given the application is currently in outline form). Also, in the context of the Council's housing land supply shortfall, sites which contain an element of heightened surface water flood risk are likely to be required to deliver the Council's housing requirements given the prevalence of areas of surface water flood risk.

The proposed development would also result in some increase in traffic with additional residents using local roads in the village, including Broughton Road which is a designated 'quiet route'. However, the Local Highway Authority does not consider the highway impacts of the development to be severe. The vehicular access to the site, and the new access to be created for the car boot site, are both considered to be safe and suitable, and the Local Highway Authority does not consider any other junction improvements are required following the modelling exercise. The developer would provide traffic calming in the form of chicanes on Broughton Road and a Traffic Regulation Order to reduce the speed limit to 30mph, along with a scheme for the relocation of a bus stop to bring a local bus service closer to the development.

There are no technical constraints relating to heritage impacts, environmental constraints or ecology that cannot be mitigated. The proposal would result in the loss of agricultural land, but this does not fall within the Best and Most Versatile category. Matters relating to the Minerals Safeguarding Area and the proximity of the site to a high-pressure gas pipeline have been considered but found to be acceptable.

In conclusion, whilst the site is located within the Countryside where such development which has not been allocated in the Local Plan would not normally be permitted, it is acknowledged that in the context of the Council's lack of five-year housing land supply and the 'tilted balance', the provision of housing carries significant weight in the planning balance. Other benefits include the provision of much needed affordable housing, economic benefits during the construction phase and to the local economy through household spending, social benefits including additional population to sustain the undersubscribed primary school, improvements to local infrastructure and provision of on-site open space, a contribution to off-site sports improvements and biodiversity net gain provision through off site provision close to the site. The landscape harm caused by the development would be localised and viewed within the context of the existing village edge and the development is not of such a scale where it would significantly overwhelm the village, with the population of the village likely to increase by between 10 and 15%. Whilst one sequentially preferable site at lower flood risk has been identified, the failure of the sequential test is considered to be outweighed by the housing need and given the flood risk is likely to be mitigated through detailed site design.

Overall, the proposal would conflict with some policies of the Development Plan, in particular being contrary to Policies CS18, CS22 and DM2 given the site is located beyond the Settlement Boundaries in the Countryside and there is a sequentially preferable site identified at lower flood risk. However, in the context of the 'tilted balance', as set out in paragraph 11d of the NPPF, any harm is required to significantly and demonstrably outweigh the benefits of the development in order to refuse planning permission. In this context, and accounting for the contribution which the development makes to housing land supply, it is not considered that the harms identified significantly and demonstrably outweigh the benefits.

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