

Application reference: 24/0869/FUL

Proposal: Full planning application for residential development of 59 dwellings, public open space, drainage attenuation, access from Wright Close and other associated works and infrastructure.

Site address: Land to the East of Springwell Lane, Whetstone

Case officer: Clementyne Murphy-Nelson – Development Services Team Leader

Recommendation: Approve subject to the applicant entering into a section 106 agreement to secure the following;

S106 Contributions:

1. Provision of 25% affordable housing
2. Secondary education contribution
3. Post 16 education contribution
4. Health care facilities contribution
5. Recycling and refuse contribution (wheeled bins)
6. On-site open space and future maintenance (including LAP)
7. Travel packs
8. Bus passes
9. On-site Biodiversity Net Gain provision and monitoring including HMMP
10. S106 monitoring contributions - District and County Councils

And subject to the statutory biodiversity net gain condition and imposition of conditions relating to the following:

Conditions:

1. Statutory 3-year condition.
2. Development to be built in accordance with approved plans and documents.
3. Details of all external materials to be submitted, agreed and adhered to.
4. Dwellings to be constructed as per finished floor levels on approved plan.
5. Approved landscaping scheme to be carried out and maintained
6. Arboricultural Impact Assessment and Method Statement including tree protection measures to be submitted to and agreed and adhered to
7. Development to be carried out in accordance with the submitted Ecological Appraisal recommendations
8. Details of external lighting to public areas to be submitted and agreed and adhered to.
9. Construction Environmental Management Plan (CEMP) to be submitted and implemented as approved.
10. Construction Environmental Management Plan or Biodiversity (CEMP: Biodiversity) to be submitted and implemented as approved.
11. Foul water drainage scheme shall be submitted, agreed and adhered to.
12. Archaeological mitigation strategy, to include trial trenching, to be submitted and agreed and development carried out in accordance with agreed strategy.

13. Play area design and equipment to be implemented in accordance with submitted plan.
14. Waste collection strategy to be submitted and agreed
15. Noise mitigation measures to be implemented in accordance with Noise Assessment.
16. Removal of permitted development rights for conversion of garages to non-parking purposes.
17. Obscurely glazed windows shall be installed where such openings serve proposed bathrooms and WCs
18. 5% of bungalows as indicated on plans to be constructed as M4(2) compliant dwellings.
19. No gates/barriers/bollards within 5 metres of the highway boundary.
20. Removal of permitted development rights for classes A-D across the site
21. All built development shall be restricted to flood zone 1.
22. There shall be no ground raising in flood zone 3.
23. Phase 2 Land Contamination Report to be submitted and agreed as part of reserved matters application and any recommendations adhered to.
24. Remediation works shall be completed in accordance with the approved method statement.
25. Reporting of unexpected contamination
26. No part of the development hereby permitted shall be occupied until such time as the site access arrangements have been implemented in full
27. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full
28. Construction traffic management plan to be submitted and agreed
29. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25 metres have been provided at each shared driveway leading off and at each direct frontage access.
30. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each access.
31. Surface water drainage to be submitted and agreed
32. Surface water management plan during construction to be submitted and agreed
33. Long-term maintenance of surface water drainage system to be submitted and agreed
34. Infiltration testing to be carried out, submitted and agreed.
35. Fencing, including acoustic fencing, to be carried out in accordance with fencing plans
36. Substation design to be submitted and agreed

1. The site

- 1.1 The application site is situated at the southern edge of Whetstone within designated countryside and covers approximately 3.59 hectares (7.41 acres) of agricultural land. The site is located to the east of Springwell Lane and an existing David Wilson development lies to the north of the site, this residential development scheme was allowed on appeal in August 2013 (reference APP/T2405/A/13/2193758). The site and the dwellings to the north are currently separated by a large landscaped buffer.

- 1.2 The site is generally open, with undulating land. There is an approximate 3m topographical variation within the site with levels ranging from approximately 72m AOD to 75m AOD. In addition to the northern landscape buffer, landscape features throughout the site consist primarily of hedgerows and scattered trees along the western, eastern and southern boundaries and a hedgerow that runs north to south through the eastern part of the site. At present the site can be accessed via a gated field entrance on Springwell Lane, located on the western boundary.
- 1.3 Part of the site to the east is located within flood zone 2 and 3. The boundaries of these flood zones are mostly constrained to the area of land to the east of the site behind the hedgerow that runs north to south, with the Whetstone Brook lying to the east of the site.
- 1.4 The site lies immediately to the south of the defined settlement boundary of Whetstone where amenities serving residents of Whetstone are located immediately to the north of the site. Further to the site, the settlement of Whetstone as is bounded to the east by the A426 and to the west by the M1 motorway. The railway line connecting Leicester to Birmingham bounds the village to the north, with the nearest train stations located in Narborough and South Wigston.

2. The Proposal

- 2.1 The application is for full planning permission for 59 dwellings, an amendment to the originally sought 69 dwellings. Built development would be contained within the field to the west of the hedgerow that runs north to south of the site and entirely within flood zone 1.
- 2.2 Principal access to the site will be provided via Wright Close to the north, which extends up to Dog and Gun Lane. A further secondary emergency access is to be provided to the west of the site off of Springwell Lane, which will be open to walkers, cyclists and wheelers but closed via bollards to vehicles.
- 2.3 The proposals will include a mix of market and affordable dwellings. 45 dwellings are to be market and 14 dwellings are to be affordable dwellings. The mix provides a range of 2-5 bedrooms across the market mix and 1-4 bedrooms across the affordable mix. 7 bungalows are proposed across the scheme split between market and affordable homes, with the rest proposed as 2 storey dwellings.
- 2.4 A Local Area of Play (LAP) is proposed to the north of the site, adjacent to plots 3 and 24. Beyond the built-up limits of the development, and to the east of the retained hedge that runs north to south of the site a large area of open space is proposed. The space proposes footpaths and is to connect to the existing large open space to the north. Within the open space to the east of the site an attenuation pond is proposed and a swale.

3. Relevant Planning History

Reference	Description	Decision	Date
10/0857/1/OX	Residential Development for up to 108 Houses with Associated Access, Landscaping and Infrastructure (Outline) (Phase 2)	Application Refused Appeal Dismissed	06.02.2012
10/0856/1/PX	Residential Development of 70 Houses with Associated Access, Landscaping and Infrastructure (Phase 1)	Application Refused Appeal Dismissed	06.02.2012
12/0952/1/OX	Residential development of upto 150 dwellings and parkland with associated access, infrastructure and landscaping (Outline)	Appeal Allowed	01.08.2013
13/0803/1/MX	Residential development of 150 dwellings, associated garages, access, infrastructure, landscaping and open space (Reserved Matters)	Application permitted	28.03.2014

4. Consultation Responses

Full copies of the representations received are available to view at <https://pa.blaby.gov.uk/online-applications/>

The consultation responses comments are précised if conditions are proposed, these are included within the conditions at the beginning of the report unless stated otherwise.

The numbers in brackets signifies the amount of times consultees have responded to the application.

4.1 Blaby District Council Consultees

4.1.1 Blaby District Council Environmental Services (5)

No objections subject to conditions

4.1.2 Blaby District Council Housing Strategy (2)

No objections and made comments in support of the application

4.1.3 Blaby District Council Neighbourhood Services (2)

No objections, condition added to ensure bin presentation points are located to end of private drives

4.2 **Leicestershire County Council Consultees**

- 4.2.1 Leicestershire County Council Highways (6)
No objections subject to conditions and contributions
- 4.2.2 Leicestershire County Council Archaeology (3)
No objections subject to conditions
- 4.2.3 Leicestershire County Council Lead Local Flood Authority (2)
No objections subject to conditions
- 4.2.4 Leicestershire County Council Ecology (2)
No objections subject to conditions
- 4.2.5 Leicestershire County Council Forestry (2)
No objections subject to conditions

4.3 **Other consultees**

- 4.3.1 Whetstone Parish Council (2)
No objections but have made observations relating to landscaping, highways and flooding
- 4.3.2 Countesthorpe Parish Council (1)
No comments received.
- 4.3.3 Blaby Parish Council (2)
Objects to the application due to traffic and infrastructure
- 4.3.4 Ward Councillor
No comments received.
- 4.3.5 Environment Agency (2)
No objections subject to conditions
- 4.3.6 Leicestershire Police (2)
No objections
- 4.3.7 Leicester, Leicestershire and Rutland Integrated Care Board (NHS) (2)
Request developer contributions
- 4.3.8 Leicestershire Developer Contributions (2)
Request developer contributions
- 4.3.9 Natural England (2)
No comments received
- 4.3.10 Severn Trent Water (2)
No objections subject to conditions

5. Additional Representations

- 5.1 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent residents were notified.
- 5.2 104 representation comments were received. 74 of which objected to the scheme, 28 made comments in comments of the scheme and 2 made comments neither objecting or supporting the application. These letters were received both during the initial consultation and the re-consultation for the development.

Letters of objection are summarised into the following concerns;

- Flooding
- Developing on green belt land
- Pressure on existing foul and surface water facilities
- Increase traffic
- Increased pressure on schools
- Need to repurpose empty homes
- Additional pressure on watercourse
- Parking located away from the proposed properties
- Only one access proposed
- No adequate gym or leisure facilities in Blaby/Whetstone which need addressing.
- Doctors and dentists unable sustain more people
- Higher risk of flooding for houses along Elliot Close
- Inadequate Infrastructure
- Loss of biodiversity
- Safety concerns
- Increase number of trains in Narborough resulting in traffic
- Too crowded
- Lack of green space
- Environmental concerns
- Increase in crime
- Construction traffic
- Public safety
- continual expansion is not acceptable
- one access point only

Letters of support were summarised as the following;

- Need more homes
- The amount of homes is an adequate number
- Houses needed for younger generation to get on the property ladder
- Variety of houses
- Well designed green space
- Positive for jobs

6. Planning Policies and Material Considerations

6.1 Development Plan

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan in relation to this proposal consists of:

- Blaby District Local Plan (Core Strategy) Development Plan Document (adopted 2013)
- Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019)

6.1.1 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 CS6 Employment

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 CS17 Areas of Separation

Policy CS18 Countryside

Policy CS19 Bio-diversity and Geo-diversity

Policy CS20 Historic Environment and Culture

Policy CS21 Climate Change

Policy CS22 Flood Risk Management

Policy CS23 Waste

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

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

6.2 Supporting Documents

- The National Planning Policy Framework (NPPF) (2024)
 - Chapter 2: Achieving Sustainable Development
 - Chapter 4: Decision Making
 - Chapter 5: Delivering a sufficient supply of homes
 - Chapter 8: Promoting healthy and safe communities
 - Chapter 9: Promoting sustainable transport
 - Chapter 12: Achieving well-designed places
 - Chapter 14: Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15: Conserving and enhancing the natural environment
- The National Planning Policy Guidance (NPPG)
- Leicestershire Highways Design Guide (2024)
- Blaby District Council Active Travel Strategy (2024)
- Blaby District Council Local Cycling and Walking Infrastructure Plan (2024)
- Blaby District Council Housing Mix and Affordable Housing Supplementary Planning Document (2013)
- Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Document (2024)
- Blaby Landscape and Settlement Character Assessment (2020)
- Blaby District Council Open Space Audit (2019)
- Blaby Playing Pitch Strategy & Action Plan (2020)
- Blaby Residential Land Availability Report (2024)
- Blaby Strategic Flood Risk Assessment Level 1 Final Report (2020)
- Leicester and Leicestershire Housing Market Area Housing and Economic Land Availability Assessment (SHELAA) 2019
- Leicester and Leicestershire Housing and Economic Needs Assessment (HENA) 2022
- Blaby District Council Housing Strategy 2021 - 2026

7. Consideration of Application

The main issues to be considered in the assessment of this planning application are as follows:

- The principle of the development
- Landscape and visual impact
- Affordable housing and housing mix
- Design and layout
- Transport and highway impacts
- Flood risk and drainage
- On-site public open space provision
- Developer contributions and infrastructure / facilities
- Residential amenities
- Environmental implications
- Ecology and biodiversity
- Archaeology
- Arboricultural implications
- Loss of agricultural land

7.1 The Principle of the Development

- 7.1.1 Policies CS1 and CS5 of Blaby District Council Core Strategy seek to ensure housing needs are met in the most sustainable way through a principle of 'urban concentration'. New development should be primarily focused within and adjoining the Principal Urban Area of Leicester (PUA) of Leicester (Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town, Glen Parva and New Lubbethorpe). However, provision is also made for the development needs of settlements outside the PUA
- 7.1.2 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').
- 7.1.3 As of March 31st, 2024 a total of 2,826 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 584.8 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 around half this number and it is unlikely that housing delivery will accelerate in the PUA sufficiently to address the shortfall by the end of the Plan period.
- 7.1.4 Outside of the PUA, Core Strategy Policy CS1 states development will be focussed within and adjoining Blaby and within and adjoining the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages (Littlethorpe, Huncote, Cosby, Croft and Sapcote) and Smaller Villages.

- 7.1.5 Policies CS1 and CS5 identify Whetstone as a 'Large Central Village' (along with the settlements of Enderby, Narborough and Countesthorpe) with modest levels of growth anticipated. These settlements have a combined housing requirement figure (2006 - 2029) of 1250 dwellings with Whetstone having a minimum housing requirement for 365 dwellings. It must be noted that this is a minimum requirement and not a cap.
- 7.1.6 This Planning Committee has recently resolved to grant planning permission for seven sites in the non-PUA:
24/0559/OUT - Land at Croft Lodge Farm, Broughton Road, Croft (up to 95 dwellings)
24/0004/FUL - Land off Gillam Butts, Countesthorpe (41 dwellings),
24/0511/OUT - Land north of Leicester Road, Sapcote (up to 80 dwellings),
23/0968/OUT - Land east of Lutterworth Road, Blaby (up to 53 dwellings),
23/0182/OUT - Land off Croft Road, Cosby (up to 200 dwellings) ,
23/1071/OUT - Land adjacent to Leicester Road and Foston Road, Countesthorpe (up to 170 dwellings), 24/0398/FUL- Land off Ratcliffe Drive/Peers Way/Preston Way, Huncote (151 dwellings),
24/0770/FUL Springfield Farm, Forest Road, Huncote (191 dwellings)- subject to Section 106 Agreements being completed.
- 7.1.7 It is recognised that releasing this site would result in the minimum requirement for the Larger Central Villages in Policy CS5 being further exceeded. However, the proposed development is considered to provide the potential to deliver additional homes in the period up to 2029 which would address shortfalls in the PUA and district as a whole.
- 7.1.8 The application site is located outside of the Settlement Boundary of Whetstone 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, this is currently an overall under delivery of houses within the District as a whole, with the Council only being able to demonstrate a 2.78 year housing land supply, notably less than the five-year supply requirement outlined in the NPPF. The policies of the Development Plan which relate to the supply of housing are therefore considered out-of-date and the 'tilted balance' towards approval as set out in Paragraph 11d of the NPPF should be applied.
- 7.1.9 Paragraph 11 states that where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, Footnote 8 of the Framework establishes that housing policies which are important for determining the application may be out-of-date.
- 7.1.10 Limb (i) of NPPF Paragraph 11d sets out that where the proposal conflicts with NPPF policies which protect areas or assets of particular importance, these can offer a clear reason to refuse an application. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets.

- 7.1.11 In this instance, the application site is not in a statutory protected area, and therefore the NPPF's presumption in favour of sustainable development and the 'tilted balance' described in Paragraph 11d(ii) applies. The shortfall in the supply of deliverable housing sites should therefore be weighed in the planning balance and means that, in accordance with the presumption in favour of sustainable development (at Paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits if planning permission is to be refused.
- 7.1.12 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'.
- 7.1.13 The supporting text to Policy CS5 comments that Whetstone has a wide range of employment facilities including Cambridge Road Industrial Estate (and nearby employment sites in Blaby). It also recognises that the village benefits from two primary schools and has a wide range of services and facilities and is close to Blaby Town Centre. The text also stated that the SHLAA indicated potential significant capacity for developable sites in and adjoining the built up area of Whetstone in the short to medium term.
- 7.1.14 Whetstone does benefit from several key services and amenities, including a various employment opportunities with the Whittle Estate and Grange Business Park, convenience stores, a supermarket, located approx. 361m on foot from the proposed development site, a chemist and post office, sports facilities, hair and beauty salons, takeaways, public houses and churches. Bager Brook Primary School is also located 0.5km walking distance from the site. Blaby (a 'town centre' which is located below the PUA in the settlement hierarchy) is also located approximately 1km away to the north of the site. Blaby contains an even wider range of services, including GPs, employment opportunities and a small town centre with a range of serves and shops. Furthermore, the proposed development would meaningfully contribute towards the shortfall of housing, including the provision of affordable housing, whilst providing financial contributions to mitigate the impact on local facilities and infrastructure.
- 7.1.15 It is recognised that the 'overprovision' of housing in one of the Larger Central Villages risks further imbalance in the spatial strategy of the District through continued concentration of development within the non-PUA. Together with the existing exceedance of the minimum housing requirement, this development and the recently approved developments in the Larger Villages, mainly Countesthorpe would significantly increase growth at this tier of the hierarchy.

However, as outlined above, it is considered that Whetstone does have the services and facilities which could support growth, as well as offering scope for non-car-based journeys to continue to demonstrate sustainable development as per the requirements of national and local planning policy.

7.1.16 It is therefore considered that releasing this site would contribute towards the Council's required 5year supply of housing as required by the NPPF. Further consideration is given in the remainder of this report to other material considerations that are relevant to the assessment of the development proposals.

7.2 Impact on the Landscape and visual impact

7.2.1 The application site is situated in the countryside where there is potential for large scale residential development to have an adverse impact upon the character and appearance of the surrounding countryside. Policy CS18 Countryside deals with landscape impact and states that planning permission will not be granted for development which would have a significantly adverse effects upon the appearance or character of the landscape. The policy requires the need to retain countryside to be balanced against the need to provide new development (including housing) in the most sustainable locations

7.2.2 Policy CS2 Design sets out that development proposals should be appropriate in their context and should demonstrate that they have taken account of local patterns of development, landscape and other features and views and are sympathetic to their surroundings.

7.2.3 Policy DM2 provides criteria against which development proposals should be assessed. Criterion (a) requires that development is in keeping with the appearance and character of the existing landscape, development form and buildings. Decisions in respect of impact on landscape character and appearance will be informed by the Blaby Landscape and Settlement Character Assessment, Leicestershire and Rutland Historic Landscape Characterisation study, National Character Areas and any subsequent pieces of evidence.

7.2.4 NPPF paragraph 88 requires development to respect the character of the countryside and NPPF paragraph 187 also state that planning decisions should recognise the intrinsic character and beauty of the countryside.

7.2.5 In order to demonstrate compliance with these requirements, the application has been supported by a Landscape and Visual Appraisal (LVA), undertaken in accordance with 3rd Edition of 'Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The assessment also takes account of guidance set out by Natural England 'An Approach to Landscape Character Assessment 2019' and supplementary documents available via the Landscape Institute.

7.2.6 This identifies that the site lies within Natural England's National Character Area (NCA) 94 'Leicestershire Vales'. It is described as an open, uniform landscape of low-lying vales and varied river valleys. Settlements visually dominate the area and views towards surrounding higher ground is characteristic.

- 7.2.7 At a local level, the Blaby Landscape and Settlement Character Assessment (BLCSA) identifies the site as being situated within the 'Blaby, Countesthorpe & Whetstone Fringe' Landscape Character Area (LCA). The BLCSA describes the overall character of the area;
- 7.2.8 *"The character area surrounds several of the largest settlements in the District including Blaby, Countesthorpe, Whetstone, Cosby and the smaller village of Littlethorpe. The landscape consists of rolling farmland with a small to medium scale field pattern. Woodland strips give the area a perceived wooded character. However, the landscape is heavily influenced by urbanising features such as a highly developed road network, golf courses and playing fields."*
- 7.2.9 The LVA submitted by the applicants notes that the magnitude of change within the site as a result of the development would result in a medium magnitude of change, and a moderate adverse effect upon baseline landscape character. Regarding the impact upon the wider impact of the area, the LVA outlines that there would be no change to any of the listed key characteristics of the 'Blaby, Countesthorpe and Whetstone Fringe' character area. Beyond the immediate vicinity of the site, the opportunity to perceive indirect perceptual effects upon landscape character from lighting or increased traffic movements would be negligible.
- 7.2.10 The BLCSA notes that the area has a low to medium sensitivity for the provision of 2-3 storey residential housing and transport infrastructure. Moreover, it outlines that future developments should conserve existing hedgerow trees and woodland. It is notes that the proposed development intends to preserve the hedgerows to the boundaries of the site and within the site itself.
- 7.2.11 The submitted LVA concludes that the site has medium sensitivity and sits within an urban fringe context already influenced by settlement edges. The proposal will create moderate landscape effects, primarily due to the loss of arable land. Visual effects are localised, limited mostly to residents of Phase 1 and users of PRow Z57/1. Moreover, by Year 15, visual impacts reduce significantly as the proposed planting matures. The LVA concludes that the scheme can be absorbed into the local landscape without long-term unacceptable harm, subject to the proposed landscaping. Officers concur with this conclusion.

Landscape Strategy

- 7.2.12 Overall, the proposed site provides 2.1 hectares of open space, in a similar design to the existing development located immediately to the north. Various species trees are to be planted across the open space, including English oak, Black alder, Rowan and European crab apple. Shrubs are to also be included across the open space with pockets of various shrubs planted around the attenuation features, these are to include White dogwood, European spindle and Field rose.
- 7.2.13 Within the built development of the site similar species of landscaping is also proposed throughout, this includes street trees such as Silver Birch and Magnolia. Shrubs of a similar mix to the open space are also to be included on

a variety of frontages throughout the development. All plots are to benefit from turf or amenity grass formed of a seed mixture.

- 7.2.14 The landscaping proposed and the existing landscaping on site that is to be retained is considered to be favourable and in line with native species and the overall character of the area. The scheme has also been designed to ensure that mature trees to the western boundary are retained in full and a condition has been added to ensure the protection of this existing landscape and trees. This position has been echoed by Leicestershire County Council Forestry who also comments that the palette of species to be utilised across the public open space and front of properties provide useful and functional spaces.
- 7.2.15 On balance, whilst there will be some harm resulting from the development, it is considered this would not qualify as “significantly adverse” effects on the appearance or character of the landscape, which is the test set out in Policy CS18. Furthermore, the proposals include measures to mitigate adverse effects through the implementation of a landscape strategy and, in this respect, recognise the intrinsic character and beauty of the countryside, as required by paragraph 187 of the NPPF.

7.3 Affordable housing and housing mix

- 7.3.1 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 the provision of affordable housing and accessible and adaptable homes.
- 7.3.2 It is considered that Policies CS7, CS8 and DM11 are broadly consistent with the NPPF Paragraph 63 and can therefore be given full weight.
- 7.3.3 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.
- 7.3.4 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 need will be viable or deliverable but it highlights the growing need for affordable housing in the District. The proposed development will provide a policy compliant 25% of the dwellings as affordable homes (14 dwellings) which weighs in favour of the development and will help to address the shortfall in the District.

7.3.5 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.

The scheme includes the following proposed housing mix:

Mix	1-bed	2-bed	3-bed	4-bed	5-bed	Bungalow
Market		13	19	9	4	<i>3 included in the 2 bed total</i>
Affordable	4	7	2	1		<i>4*included in the 1 bed total</i>
Total	4	20	21	10	4	

7.3.6 As indicated in the table above, there is a relatively broad mix of accommodation across the site, which is deemed to be acceptable by BDC Housing Strategy Officers. The scheme would provide both affordable housing and a mix of housing including single storey (bungalows) and two storey dwellings across ranging from 1-bedroom units to 5-bedroom units across the 59 dwellings proposed.

7.3.7 It is noted that the application proposes that 14 of the 59 dwellings would be affordable homes, which falls just short of the 25% required by Policy CS7 by 0.75. BDC Housing Strategy have agreed that on this occasion they are satisfied to proceed on the basis of receiving a commuted sum, calculated by the housing department, using the formula as stated in the Affordable Housing SPD for the remaining 0.75 of a unit. As such, the provision of the affordable housing would be secured via a legal agreement and significantly weighs in favour of the development.

7.3.8 The overall design of the scheme has been amended to reduce the number of dwellings across the site to help with density within this countryside location. Moreover, the site by size and environmental constraints results in a constrained developable area, consequently, whilst the Blaby Housing Mix and Affordable Housing SPD expresses a preference for clusters of affordable housing not to exceed six houses, the proposals have been discussed with the Housing Strategy Team and are considered. This is an exception to the policy to ensure that the appropriate mix of housing can still be retained across the site. Overall, the proposed development is considered to accord with Policies CS7, CS8 and DM11.

7.4 Design and layout

7.4.1 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.

- 7.4.2 The application site is located on the southern edge of Whetstone, with established residential development to the north. It is therefore in rural fringe location with semi-rural character. The site adjoins the modern two-storey housing development on Wright Close and any new development will need to respect these existing properties.
- 7.4.3 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 application was originally submitted and proposed a total of 68 dwellings split across affordable and market dwellings. Whilst it is recognised that the Local Planning Authority does not have a specific policy regarding density of developments, it was considered that when comparing this development, which is to be edge of countryside, the density for 68 dwellings, resulting in a development of nearly 42 dwellings per hectare (dph), was too high and created a cramped form of development that was out of character with the development patterns of the wider area. As such, a reduction to the dwellings was sought and retained. The applicants submitted an amended scheme of 59 dwellings equating to 35 dph, this was considered to strike an acceptable balance as required by NPPF paragraph 129.
- 7.4.4 In addition to a reduction to the number of dwellings, which resulted in changes to the internal layout of scheme, amendments were also sought to some of the design elements of the scheme, these included, re-location of the LAP to ensure natural surveillance, changes to house design and layout to ensure active frontages and changes to the layout to ensure that retained vegetation, such as the mature trees to the western corner, were well protected. The applicant has also worked with the Council to revise the proposed layout to deliver better pedestrian connections within the site that more closely follow likely desire lines
- 7.4.5 The materials palette shows a mix of red and red multi facing bricks, which are evenly distributed across the site, to improve visual interest and to avoid a uniform approach. Roofs of the properties and garages are to be finished in slate grey. A range of porch styles are proposed, including mono-pitched, flat and curved, again to enhance the architectural quality of the scheme. It is also considered that the proposed dwellings are of an architectural style that follows the development patterns of the area and provides cohesion to the dwellings to the north.
- 7.4.6 It is considered that the proposed layout would represent good design and contribute to a better quality of life for the local community. The scheme is also considered to demonstrate a safe and socially inclusive development, through the adoption of good design principles and as such, the development would comply with development plan Policies CS2 and DM2.

7.5 Transport and highway impacts

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 Principle vehicular access to the site is to be provided from a single point of entry off of Wright Close leading on from the existing development to north. The access shall have a carriageway width of 5.6m with a 4m grass verge and footpath to the eastern side and a 2.2m footpath to the western side. The existing vegetation will be removed across this strip to create access and native trees are to be planted either side. 6.0m corner radii at the junction of Wright Close and Abbott Way are also proposed and suitable junction and pedestrian visibility splays have also been demonstrated.
- 7.5.4 A second emergency access is proposed to the western boundary off of the site out onto Springwell Lane, this can be access on foot but will be restricted for vehicle access. Leicestershire County Council Highways note that the applicant has demonstrated tracking speeds of 15kph and visibility splays commensurate with measured 85th percentile speeds. Leicestershire County Council Highways also welcome that the emergency access leads on to a private driveway that is at least 5.0m wide across its entire length
- 7.5.5 Leicestershire County Council Highways advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and the applicant entering into the planning obligations outlined at the start of this report.

Highway Safety

- 7.5.6 Leicestershire County Council Highways have undertaken a further review of Personal Injury Collision (PIC) data available for the previous five-year period whereby data is currently available for up until December 2025. It remains that no PICs have occurred within 500.0m of the site access in the previous five year period. Therefore, Leicestershire County Council Highways has no pre-existing highway safety concerns at this location.

Trip Generation and Junction Capacity Assessments

- 7.5.7 Leicestershire County Council Highways confirmed acceptance of the applicants proposed trip rates of 0.609 during the AM highway peak and 0.669 for the PM peak. Based on a development of 59 dwellings, these trips result in the proposed development being likely to generate 36 two-way trips during the AM peak and 39 two-way trips during the PM peak.
- 7.5.8 Given that the proposed development will generate more than 30 two-way trips during both the AM and PM peak hour, the applicant modelled the impact the proposed development may have on the Wright Close / Dog & Gun Lane / Wychwood Road roundabout, with a base year of 2024 and future year of 2029.
- 7.5.9 Leicestershire County Council Highways confirmed that the actual junction model files are satisfactory. As such, Leicestershire County Council Highways is satisfied that the proposed development would not have a significant operational and/ or road safety impacts on the transport network.

Internal Layout

- 7.5.10 The acceptability of an adopted road layout is subject to an S38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the LHDG.
- 7.5.11 Leicestershire County Council Highways previously advised that the demonstrated forward visibility splays outside Plot 9 and outside Plots 41 and 42 were not acceptable as a splay length of 25.0m, contained within land to be conveyed as public highway, had not been demonstrated. Consequently, amended plans were submitted to show appropriate splay length.
- 7.5.12 Following a review of drawing No. 0440 7 Rev. F Leicestershire County Council Highways have confirmed that the aforementioned splays have now been suitably demonstrated. Leicestershire County Council Highways also confirmed that drawing 0440 8 Rev. E shows that an 11.20m long refuse vehicle can safely move around the site. As such, the internal layout is now suitable for submission of a S38 application post granting of planning consent.

Transport Sustainability

- 7.5.13 Leicestershire County Council Highways is content that the site would be accessible for all highway users, and that the proposed development would be designed to maximise the uptake of sustainable travel choices. However, Leicestershire County Council Highways have requested that each dwelling be provided with a travel pack and two six-month bus passes. This will be secured via a contribution by way of a Section 106 agreement.
- 7.5.14 The proposed development is therefore considered to comply with policies CS10 and DM8 of the development plan

7.6 Flood risk and drainage

7.6.1 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

7.6.2 The application site as shown by the red line location plan includes land within flood zones 1, 2, 3 and land at low, medium and high risk of surface water flooding within pockets of the site where land levels fall. However, all the proposed built development will be located within flood zone 1 (low risk of fluvial flooding)

Sequential Test

7.6.3 Para. 175 of the NPPF states that a sequential test should be used in areas known to be at risk now or in the future from any form of flooding except where a site specific flood risk assessment demonstrates that no built development will be located within the site boundary. This includes the access or escape routes, land raising or other potentially vulnerable elements. The application was received prior to the change to the Planning Practice Guidance which outlined that sequential tests were no longer required for surface water flooding. As such, a sequential test was requested for the site and provided.

7.6.4 The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

7.6.5 The sequential test agreed with the Council to include all sites in the 2019 SHELAA (91 sites; 86 used after removing live applications), live planning applications for residential development (19 sites), sites marketed for sale (Landstack search – none identified), Sites in sustainable settlements only (removing 11), Sites capable of delivering 40–80 dwellings (removing 75) and sites deliverable within 5 years per NPPF (removing 6). All of these sites were analysed against flood zone compatibility, ability to deliver similar quantum (68 dwellings) availability and deliverability and surface water flood risk (from SFRA Level 2).

7.6.6 The report concluded that only two sites were sequentially preferable (in lower flood risk terms): Land north of Desford Road, Lubbethorpe and Land off

Enderby Road, Whetstone. Notwithstanding this, part of the site for Land north of Desford Road, Lubbesthorpe has been fully developed as a battery storage facility, leaving insufficient land to deliver housing. Additionally, Land off Enderby Road, Whetstone only had capacity for 42 dwellings (not comparable to 68), therefore, it was not considered comparable in scale or available.

- 7.6.7 As such, the sequential test concluded that there are no reasonably available, sequentially preferable sites that are suitable, deliverable, and comparable in capacity to the application site. Blaby District Council have therefore concluded that the application site passes the Sequential Test. The development places all housing in Flood Zone 1, with SuDS features reducing overall flood risk.

Flood Risk

- 7.6.8 A site-specific FRA was submitted with the application two further FRA were submitted to reflect the design amendments to the scheme. This shows that all the built development will be located in flood zone 1 including the access road and that safe refuge and safe access and egress will be available at all times. Additionally, all finished floor levels will be $\geq 1.3\text{m}$ above Flood Zone 2 flood level (71.2m). A condition will be imposed, as recommended by the Environment Agency, that all built development is restricted to flood zone 1 and for there to be no changes to land levels in flood zones 2 and 3.

Foul drainage

- 7.6.9 Foul drainage is proposed to be connected to existing mains sewers, although further details will be conditioned. The foul flows will drain via gravity to Severn Trent Water foul sewer in Abbot Way. Severn Trent Water have confirmed to the applicant that there is capacity available for this.

Surface water drainage

- 7.6.10 It is recognised that the proposed development will result in a total impermeable area of approximately 1.24ha (approximately 31% impermeable). The remainder of the site will be permeable surfacing, predominantly consisting of residential gardens and landscaped areas with some areas of low-level shrub planting. As such, it is recognised this will result in an increase in the rate and volume of surface water run-off compared with its existing condition
- 7.6.11 It is proposed to discharge all surface water flows from the site to the Whetstone Brook on the eastern boundary of the site. flows leaving the site will be restricted to a combined peak discharge rate of 5.2 l/s via a flow control device and attenuation will be provided by a detention basin. The open space to the east of the site proposed a large attenuation basin and swale.
- 7.6.12 Moreover, private drives are to be paved with permeable paving providing infiltration, storage, reduced runoff rate, and water quality treatment. Additionally, as requested by the LLFA, the existing ditch which runs between the development and the proposed basin, will be diverted redirected east of the proposed basin and connected to the proposed swale outfall. This will negate

issues with potential sewer clashes and potentially improving existing off-site flooding issues to the development to the north.

7.6.13 The surface water drainage design will take into consideration the potential for 'exceedance flows' in its formulation. Flood events up to the 100 year plus climate change event will be drained by the proposed drainage system reducing the hazard to people and the risk of property flooding.

7.6.14 The Lead Local Flood Authority and the Environment Agency have also considered the proposals and have no objections subject to conditions.

7.6.15 The proposal is considered to be in accordance with Policies CS21 and CS22 of the Blaby District Local Plan (Core Strategy) and the NPPF and the PPG.

7.7 On-site public open space provision

7.7.1 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.

7.7.2 Contributions for open space provision or improvements within the parish will be sought in line with the provisions of Policy CS15 and the Blaby District Council Planning Obligations and Developer Contributions Supplementary Planning Guidance (February 2024). The SPD includes guidance to support the Local Plan in relation to open space, sport and recreation requirements and establishes the types of open space that should be delivered on the development site for any given size of residential scheme. This is detailed on the table below;

Typology of Provision	1-19 dwellings	20-49 dwellings	50-99 dwelling	100-199 dwelling	200 dwellings
Parks and Recreation Grounds	Off-site	Off-site	Off-site	Off-site	On-site
Natural Greenspace	Off-site	Off-site	Off-site	On-site	On-site
Informal Open Space	Off-site	On-site	On-site	On-site	On-site

Provision for children and young people	Off-site	Off-site	On-site (LAP)	On-site (LEAP)	On-site (NEAP)
Allotments and community gardens	Off-site	Off-site	Off-site	Off-site	On-site
Source: Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document					

7.7.3 Based on the requirements of Policy CS15, the quantum of public open space required to serve the development has been calculated using the Blaby District Council 'Off-site contributions for open space provision'. The details of the proposed housing mix as set out in the housing schedule on the Planning Site Layout has been inputted into the open space calculator and the results based on the development yield of 135 residents.

7.7.4 the open has been submitted by the applicant that identifies the different open space and the management of this, this is further outlined with the applicants submitted design and access statement. Approximately 2.21ha of open space will be provided on site, predominantly to the east of the site located behind the retain hedgerow. The on-site open space comprises informal open space and children and young people's open space (comprising a LAP). Whilst SuDS features and areas of scrub bring benefits to a development in terms of visual amenities they have not been included in the calculator.

On Site Open Space	Amount per 1000 population in ha (Delivery DPD figures)	Amount for development in ha (135 population)	Actual Provision in ha
Informal Open Space	1.0	0.13	2.21
Children and Young People's Open Space	0.06	0.08	0.09
TOTAL		0.21	2.3

7.7.5 The overall amount of (publicly accessible) open space proposed significantly exceeds the requirement of 0.13ha of informal open space provided on site, the ample provision of open space on site would help to provide a high-quality development and create a pleasant environment for future residents and connects well to the existing public open space and pathways to the north of the site.

7.7.6 No parks and recreation grounds, or allotments and community gardens will be provided on-site in accordance with the table included above from the Planning Obligations and Developer Contributions SPD (2024) which indicates that such open space typologies are not required for dwellings under 100.

7.7.7 On-site open space provision and its long-term maintenance will be secured in accordance with the submitted drawings within the S106 agreement in order to ensure that the needs of future residents are met. Whetstone Parish Council will be offered the responsibility for the management for some parts of the open space and further discussion will take place on this as part of the S106 process. Otherwise, it is anticipated that on-site open space provision will become the responsibility of a developer appointed management company.

7.8 Developer contributions and infrastructure / facilities

7.8.1 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). Policy CS15 is also relevant in relation to open space, sport and recreation and states that where appropriate financial contributions will be sought.

7.8.2 A request for funding towards secondary (11-16 years) education provision and post 16 education provision was received from Leicestershire County Council. Leicester, Leicestershire and Rutland Integrated Care Board (LLR ICB) has also requested a financial contribution to provide the required healthcare facilities to meet the population increase linked to this housing development. Leicestershire County Council has already requested contributions

Education provision

7.8.3 Regarding primary education, the development will yield 17 primary aged children. When taking into account primary schools within a two-mile walking distance from the development there is an overall capacity within Badgerbrook Primary School, as such no financial contributions are requested in respect of primary education provision.

7.8.4 Regarding secondary education, the development will yield 10 secondary aged children (11-16). Thomas Estley Community College has a net capacity of 900 with a predicted pupil forecast of 928. When taking into consideration the other secondary schools within a three-mile walking distance from the development, there is an overall deficit of 28 places. Therefore, a full request for contributions in respect of the secondary education sector of £164,191.06 is justified.

7.8.5 Regarding post 16 education, the development will yield 2 post 16 students. Taking into account providers within a 3 miles radius, Countesthorpe Academy has capacity for 150 students with a forecast of 305, resulting in a deficit of 155 places. Therefore, a full request for contributions in respect of the post 16 education sector of £35,078.51 is justified

- 7.8.6 Regarding SEND education, this development is for fewer than 100 dwellings and therefore a contribution towards Primary and secondary SEND education is not necessary.
- 7.8.7 The contributions sought are to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities.

BDC Waste Contribution

- 7.8.8 The Planning Obligations and Developer Contributions SPD states that to cover the cost of wheelie bins for recycling and refuse, £49.00 per household will be sought on all major schemes. This amounts to £2,891.00 for the 59-dwelling development.

Health care

- 7.8.9 The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £ 57,112.00 for GP surgeries in the vicinity of the site to help mitigate / support the needs arising from an increase in population. The ICB requests that the funding is allocated to Hazelmere Medical Centre and Northfield Medical Centre within Blaby, north of the application site and the nearest GP surgeries for those residing within the new development. The ICB has requested the inclusion of a trigger point to be agreed by them prior to the signing of the S106.

Highways Contributions:

- 7.8.10 A financial contribution of travel packs to inform new residents from first occupation what sustainable travel choices are in the surrounding area (these can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.
- 7.8.11 In addition to this, LCC request six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £442.50 per pass).
- 7.8.12 These contributions are considered to be CIL compliant being necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.9 Residential amenities

- 7.9.1 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 vehicle activity.

- 7.9.2 The proposed development is located adjacent to the southern settlement boundary of Whetstone, and the boundary of the application site adjoins existing properties along Wright Close and Abott Way. The properties on Wright Close face onto the site and are 34m from the housing on the application site at their nearest point, as well as being separated by a substantial vegetation, much of which is to be retained. No impacts upon the residential amenities of existing dwellings on Wright Close are anticipated due to the distances that could exist.
- 7.9.3 Given the location of the development, which runs parallel to the existing development above, and as such there is not considered to any impacts on existing development to the west of the site.
- 7.9.4 Within the development site itself the layout has been received to ensure that back-to-back distances between dwellings are between 19 and 21 metres. Similarly, for corner locations adequate distances have been provided between the rear elevation of one property and side elevation of the neighbouring property to avoid any overbearing impacts or overshadowing. With the exception of the one bed properties, which have communal garden space, each dwelling has a private rear garden area. It is considered that future residents of the site will enjoy good levels of amenity.
- 7.9.5 As such, the development accords with policies DM2 and CS18 in these respects.

7.10 Environmental implications

- 7.10.1 The application proposals have been supported by a Noise Assessment and a Site Appraisal. These reports have been given detailed consideration by the Blaby District Council Environmental Services Team.

Contamination

- 7.10.2 The Site Appraisal submitted as part of the application concluded that the site is suitable for residential development, subject to completion of gas monitoring, appropriate foundation and materials design, and regulatory consultation where necessary.
- 7.10.3 The Environmental Services Officer is content that these measures can be dealt with through a pre-commencement condition requiring submission of a Phase II report and remediation method statement and verification plan.

Noise

- 7.10.4 The submitted noise report is considered acceptable by the BDC Environmental Services and suitable measures are suggested to deal with construction noise

and vibration. Implementation of these measures can be incorporated within the CEMP which is recommended to be required by condition.

7.10.5 The submitted noise report concluded that site is suitable for residential development when using standard double-glazed windows and trickle ventilators for most dwellings. In addition to this, some dwellings should be protected by a 2-metre-high brick wall or close-boarded timber fence to ensure satisfactory levels of noise to the dwellings and immediate private gardens. This has been demonstrated by the applicants submission of a boundary treatment plan in which BDC Environmental Services are satisfied with. Both matters are to be conditioned

7.11 Ecology and biodiversity

7.11.1 Policy CS19 of the Core Strategy seeks to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas. Biodiversity Net Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

Ecological appraisal

7.11.2 An Ecological Appraisal has been submitted with the application which provides an assessment of the habitats on the site and the potential for the site to support priority and protected species. This assessment included provision of the following; Desk study, extended phase 1 habitat survey, bat roost assessment, badger survey, reptile habitat appraisal, breeding bird scoping survey and assessment for riparian mammals (water vole, otter).

7.11.3 There are no statutory sites within consultation distance of the site. It is noted that Narborough Bog SSSI is 2.1 km away to the north west but the development does not fall in its IRZ triggers. Additionally, 12 non-statutory sites Local Wildlife Sites and Potential Local Wildlife Sites (LWS/pLWS) lie within 1 km, including Whetstone Brook pLWS immediately adjacent.

7.11.4 The appraisal recorded a number of protected or notable species within or close to the red line boundary of the site. These included bats, breeding birds such as; blue tit, great tit, song thrush and dunnock and reptiles with the exception of great crested newts.

7.11.5 The assessment has outlined that the vegetation that requires removal for the development can be mitigated against by retaining and buffering the Whetstone Brook within extensive public open space and enhance the public open space with species-rich grassland, scrub and native tree planting, including fruit/seed-bearing species. Additionally, create a wildlife-friendly SuDS area, managed to support biodiversity.

7.11.6 Leicestershire County Council Ecology have advised that a Construction Environmental Plan for Biodiversity (CEMP: Biodiversity) condition is imposed to reduce impacts upon habitats, to safeguard protected and priority species and to outline use of sensitive working practices during construction. Subject to these conditions it is not considered that ecological considerations represent a constraint to development.

Biodiversity Net Gain

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

7.11.8 A Biodiversity Net Gain Metric has been submitted which indicates that the site is capable of providing an on-site net gain of 17.45% in habitat units, 31.43% in hedgerow units and 15.60% in watercourse units. This has been updated as the proposed development has evolved with the most recent iteration of the BNG calculations dated September 2025.

7.11.9 A further Technical Note records that there is one very high distinctiveness habitat on site, the Whetstone Brook to the east. Hedgerows within the site are recorded as medium distinctiveness and of moderate condition. LCC Ecology have been consulted at various stages through the application process and agree with the applicant on the baseline habitat and submitted BNG assessments.

7.11.10 In accordance with legislation, any permission given will be subject to the statutory Biodiversity Gain Plan condition. In order to ensure that biodiversity gains are secured for the necessary 30-year period, it is recommended that a Habitat Management and Monitoring Plan (HMMP) is submitted, agreed and implemented. This provision can be incorporated into the Section 106 Agreement, together with the necessary developer contribution to ensure long-term monitoring of compliance with the HMMP.

7.12 Archaeology

7.12.1 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.

7.12.2 There are no designated heritage assets within the site and no designated heritage assets within the surrounding areas which are considered sensitive to the proposed development. Notwithstanding this, the applicant has submitted

a Archaeological Desk-Based Assessment at the request of Leicestershire County Council Ecology which concluded that there are no fundamental archaeological constraints to development and there is low archaeological potential for all periods. This report also suggested that further trenching should be undertaken to verify geophysical anomalies and record earthworks.

7.12.3 Leicestershire County Council concurs with this conclusion and have requested post-determination trial trenching to inform a final archaeological mitigation scheme, if required.

7.12.4 On this basis, the application is considered to comply with Policy CS20 of the Core Strategy and Policy DM12 of the Delivery DPD.

7.13 Arboricultural implications

7.13.1 An Arboricultural Assessment as well as detailed public open space and on-plot landscaping drawing have been submitted within the application. These consider the arboricultural impacts of the development and includes analysis of the trees present on site and a categorisation of their quality.

7.13.2 The Arboricultural Assessment outlined various trees and vegetation across the site grouping them into Category B: T1, T7, T13; Group G2. Category C: T2, T3–T6, T8–T10, T12; Groups G1, G3, G4; Hedgerows H1–H5 and Category U: T11, a crack willow with significant structural failure requiring removal. Some of the existing vegetation and trees requires removal for access to be instated into the site and to provide car parking for plots.

7.13.3 The loss of trees and vegetation within the site will be mitigated by the significant areas of open space with new tree and shrub planting and internal landscaping. The retained trees have been assessed in accordance with the British Standard and the protection recommendations within the report are noted by the Forestry Team to be adequate and will ensure that retained trees are protected from any disturbance as a result of the development. The implementation of the protection measures and new planting can be secured by condition.

7.13.4 Overall, the report detailed that there are no significant arboricultural constraints to development, and that the proposed landscaping is to be of native species.

7.14 Loss of agricultural land

7.14.1 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.

7.14.2 The site is located within land grade 3. Given the size of the site it is considered to be a modest amount both within the context of the site itself and the wider area which would not have any significant impacts on capacity for farming and food production. Accordingly, the development of the site is not considered to conflict with the principles of the protection of BMV land set out in the NPPF.

8. Overall Planning Balance and Conclusion

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

8.2 As set out in the report above, it is acknowledged that the Council cannot demonstrate a 5-year housing land supply and that the 'tilted balance' must apply in line with national planning policy. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, 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.

8.3 The proposed development would provide 59 dwellings, including 14 affordable dwellings on a site which adjoins the Settlement Boundary of Whetstone, a Large Central Village which contains several facilities that would enable future residents to meet some of their day-to-day needs without reliance on the car. Taking into account the shortfall in housing supply and the acute affordable housing needs in the District, the provision of housing on this site is a benefit that attracts substantial weight in the planning balance.

8.4 The development would deliver economic benefits through the construction process, albeit that this impact would be temporary in duration. Post-development, future residents will contribute to the local economy in the village and the wider surrounding area, helping to support local services. Overall these are benefits of the development that are assigned moderate weight in the balance. The overall design and layout of the proposals are also considered to create a high-quality development and these matters are attributed moderate weight.

8.5 Technical matters, including fluvial and surface water flooding and ecological impacts can be appropriately addressed or mitigated and, in so far as they relate to these matters, the proposals are in compliance with the policies of the development plan. A satisfactory access design has been proposed and mitigation measures will be secured in relation to highways impacts.

- 8.6 Developer contributions are requested to mitigate the impacts of the development where necessary and make it acceptable in planning terms and address the infrastructure needs generated by the development itself. These are not benefits as such as are thus afforded neutral weight in the balance.
- 8.7 There would be some harms associated with development due to the loss of an area of countryside, however, these impacts are adjudged to not be significant, and development could be relatively well contained within the existing and proposed landscape infrastructure of the site. These harms are given moderate weight in the planning balance.
- 8.8 The proposal would conflict with policies of the Development Plan, in particular policies CS1, CS5, CS18 and DM2. However, these policies are deemed out-of-date and the conflict with them consequently attracts significantly reduced weight in the balance.
- 8.9 The harms associated with the development (landscape and visual impact and conflict with the development plan) are not considered to significantly and demonstrably outweigh the benefits of the development. In this context, NPPF paragraph 11(d) directs that planning permission should be granted.
- 8.10 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.