

## **Application reference: 25/0532/FUL**

**Proposal:** Residential development of 115no. dwellings, with access, public open space and associated infrastructure

**Site address:** Land to the West of Springwell Lane, Whetstone

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

### **Cover Page Summary to Committee Report**

This application was deferred at the Planning Committee meeting held on 30<sup>th</sup> April 2026. The minutes of the Committee recorded that:

*“The committee consider that application 25-0532-FUL be deferred on the grounds of proximity concerns of plots 24, 25 and 32 to no. 5 Hume Close, Whetstone.”*

A formal response has been provided by the Agent on behalf of the Applicant (dated 22 May 2026), this document is publicly available on the Council’s online planning database. This document sets out alternative layout options that have been examined to amend plots 24-25 and 32 however, have been determined less favourable than the current layout.

After examination of possible options without prejudice to the wider development, your officers have reviewed the proposed layout and alternative options for the scheme and concur with the conclusions outlined in the Agents formal response.

Plots 25 and 24 to the south of 5 Humes Close are both bungalows. Furthermore, these bungalows have a minimum side to the rear distance of 15.4m at the closest point. It must be noted that Blaby District Council does not have published space standards, or separation distances, however, typically a 12m side to rear distance is considered acceptable on two storey dwellings. As such, given the side to rear distance greatly exceeds this measurement and the proposed dwellings are bungalows, this separation distance is considered satisfactory to ensure an appropriate level of privacy and to avoid harmful overbearing or overshadowing impacts.

House types on Plots 30 to 32, each contain a single first-floor rear-facing habitable room window, positioned centrally within the rear elevation. Measured from the centre point of this window, a separation distance of 18.3 metres is achieved between Plot 32 and the corner of No. 5 Humes Close. Furthermore, the property at No. 5 Humes Close is positioned at an angle of approximately 33 degrees to the rear flank elevation of Plot 32, resulting in an oblique relationship between the respective elevations.

As outlined above, Blaby District Council does not have adopted separation distance standards. Furthermore, where local authorities have adopted residential design guidance, front-to-rear separation distances vary considerably, typically ranging between 14 and 21 metres depending on the characteristics of the development and the specific site context. Whilst a separation distance of 21 metres is often applied as a rule of thumb for direct rear-to-rear relationships, a rear-to-front relationship is generally considered less sensitive in amenity terms.

In this instance, an 18.3-metre separation distance is achieved between the first-floor rear window of Plot 32 and the corner of No. 5 Humes Close. Given the oblique angle between the rear elevation of Plot 32 and the principal elevation of No. 5 Humes Close, together with the absence of direct overlooking of principal habitable room windows or private amenity areas, the proposed arrangement is not considered to result in an unacceptable loss of privacy for existing or future occupants, nor is it considered that the proposed layout creates a loss of light or overbearing impact that is considered significant as to necessitate revisions to the scheme.

Currently, there is a hedge located along the northern boundary of the site where Hume Close adjoins the site. This is to be retained and an additional 1.8m high close boarded fence is to be erected along this boundary to provide a clear separation to the rear garden of those dwellings adjacent to the northern boundary. Plan No: P24-006\_DE\_016\_F\_1 REV F denotes that this close boarded fence is to be placed with sufficient offset to ensure the integrity of the existing hedgerow is retained and its root protection area is protected.

In response to concerns raised at the previous meeting, the Applicant and Agent have looked at various design alterations to create a larger separation distance between all plots and No. 5 Humes Close, however, all would impede the remaining layout of the scheme by way of parking, road widths or compromise existing vegetation that is to be retained.

Rotating plots 31 to 32 so the rear elevation of the dwellings would sit square with the principal elevation of 5 Humes Close would result in a shorter separation distance between the existing and new built dwellings, as such this was considered unfavourable. Furthermore, moving all plots within this private drive to the west results in a loss of a mature tree that is to be retained and the displacement of parking for plots 26 to 29. A similar result happens if plots are moved to the south, parking becomes disjointed and separated from the dwelling, which is against the aims set out within the National Planning Policy Framework (NPPF) and the Leicestershire Highways Design Guidance. Finally, switching Plots 25 to 24 with Plots 30 to 32 would result in two-storey dwellings facing onto the side and partial rear garden of No. 5 Humes Close. As such, retaining the bungalows in their current position would avoid this concern.

The NPPF, specifically chapter 11, outlines that new development should make effective use of land and achieve appropriate densities based on the site and the surrounding characteristics of the area. 32 dwellings per hectare is considered satisfactory for the type of development and the characteristics of the surrounding area, thus resulting in a layout that is not considered over development or at odds with the layout to the north of the scheme.

The application therefore continues to be recommended for approval as set out in the following report.

The following amendments have been made to the Committee report:

- Leicester County Council Ecology comment section has been amended to detail that they have formally responded and raise no objection to the scheme.

The conclusion below is taken from the committee report and repeated here for ease of reference:

### **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.

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.

The proposed development would provide 115 dwellings, including 29 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.

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.

Technical matters, including noise and highways 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.

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.

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.

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.

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.

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.

**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. SEND education contribution (primary and secondary)
3. Early Years Education
4. Health care facilities contribution
5. Libraries
6. Leicestershire County Council waste
7. Recycling and refuse contribution (wheeled bins)
8. On-site open space
9. Travel packs
10. Bus passes
11. Residential Travel Plan Monitoring fee
12. Relocation of existing speed limit sign
13. On-site Biodiversity Net Gain provision and monitoring
14. S106 monitoring contributions - District and County Councils
15. Off-site sports facilities contribution
16. Cemeteries contribution (subject to identified need)

**Conditions:**

1. Statutory 3-year condition.
2. Development to be built in accordance with approved plans and documents.
3. Development to be built in accordance with materials as shown on approved plan
4. Finished site and floor levels to be submitted and agreed and adhered to prior to construction.
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 prior to commencement.
7. Details of external lighting to public areas to be submitted and agreed and adhered to.
8. Mitigation as outlined in Air Quality report to be followed
9. Construction Environmental Management Plan (CEMP) to be submitted and implemented as approved prior to commencement.
10. Foul water drainage scheme shall be submitted, agreed and adhered to.
11. Archaeological mitigation strategy, to include trial trenching, to be submitted and agreed and development carried out in accordance with agreed strategy.
12. Play area design and equipment to be submitted and agreed.
13. Waste collection strategy to be adhered to as per approved plan
14. Noise mitigation measures to be implemented in accordance with Noise Assessment.
15. Removal of permitted development rights for conversion of garages to non-parking purposes.
16. Obscurely glazed windows shall be installed where such openings serve proposed bathrooms and WCs
17. 5% of bungalows to be constructed as M4(2) compliant dwellings.

18. No gates/barriers/bollards within 5 metres of the highway boundary.
19. Removal of permitted development rights for classes A-D across the site
20. Phase 2 Land Contamination Report to be submitted and agreed and any recommendations adhered to.
21. Remediation works shall be completed in accordance with the approved method statement.
22. Reporting of unexpected contamination
23. No part of the development hereby permitted shall be occupied until such time as the access arrangements have been implemented in full.
24. No part of the development shall be occupied until such time as the offsite works (provision of a new junction, provision of a shared footway/ cycleway and provision of an uncontrolled pedestrian crossing) have been implemented in full.
25. Framework Travel Plan to be submitted and agreed for both LCC Highways and National Highways
26. Parking and turning facilities have been implemented in accordance with the approved plan
27. 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.
28. 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
29. Construction Traffic Management Plan to be submitted and agreed for National Highways and LCC Highways.
30. Surface water drainage to be submitted and agreed
31. Surface water management plan during construction to be submitted and agreed
32. Long-term maintenance of surface water drainage system to be submitted and agreed
33. Habitat Management Monitoring Plan (BNG Condition)
34. Bund to be delivered prior to first occupation.
35. Substation design to be submitted and agreed
36. Construction Environmental Management Plan for Biodiversity prior to construction
37. Farmland Bird Compensation Strategy prior to commencement
38. Biodiversity Enhancement Strategy prior to any works above slab level

## 1. **The site**

- 1.1 The application site is situated at the southern edge of Whetstone within designated countryside and covers approximately 9.12 hectares (22.5 acres) of agricultural land. The site is located to the west of Springwell Lane and existing residential development to the north with employment uses bordering the site to the north west. In addition, the M1 Motorway runs along the western boundary of the site north to south.

- 1.2 The site is generally open and slopes gently down to its north eastern corner boundary with Springwell Lane. Access is from Springwell Lane via an existing 4m-wide field gate on the eastern boundary. The site does sit lower than the M1 Motorway that runs along the sites western boundary.
- 1.3 The site is comprised of two arable fields, together with a small area of scrub/poor semi-improved grassland containing two farm buildings within the adjoining, grassed field. One building is a derelict stable and the other is a metal-framed agricultural building used to store agricultural materials. These buildings have been given prior approval under application 25/1107/DEM to be demolished.
- 1.4 The site is currently enclosed by mature hedgerow that runs along the east boundary of the site adjacent to Springwell Lane. A line of mature trees are located to the north of the site, which currently separate the site from the employment uses to the north west and the western boundary remains largely open with little vegetation. The southern boundary of the site is currently enclosed by a hedgerow that runs east to west through the field.
- 1.5 The site lies immediately to the south of the defined settlement boundary of Whetstone where amenities serving residents of Whetstone are located to the north. The site is c.2-2.5km from Whetstone's village centre, which provides a range of local facilities including a general store, café, pubs, restaurants and places of worship. More locally, approximately 1km north of the site is a supermarket, The Dog and Gun pub; and Badgerbrook County Primary School.
- 1.6 Beyond the site to the east, Blaby Bypass (A426) adjoins the 'Green Wedge' (CS16) that separates Blaby and Countesthorpe. Additional landscape features include Whetstone Brook, run north-south through Whetstone and passes the site approximately half a mile to the east.

## 2. **The Proposal**

- 2.1 The application is for full planning permission for 115 dwellings, an amendment to the originally sought 116 dwellings. Built development would be contained within the field parcel to the eastern side of the existing hedgerow the runs north to south of the site and entirely within flood zone 1. Principal access to the site will be provided via Springwell Lane to the north, which extends up to Dog and Gun Lane.
- 2.1 The proposals will include a mix of market and affordable dwellings. 88 are to be market and 29 are to be affordable dwellings with a mix of social rent and shared ownership options. The mix provides a range of 1-5 bedrooms across the market mix and 1-4 bedrooms across the affordable mix. 10 bungalows are proposed across the scheme split between market and affordable homes, with the rest proposed as 2 storey dwellings.
- 2.2 A Local Equipped Area for Play (LEAP) is proposed to the centre of the site adjacent to the retained hedgerow, across from plots 90-84. Beyond the built-

up limits of the development, and to the west of the retained hedge that runs north to south of the site a large area of open space is proposed. The space proposes both formal and informal footpaths and is to connect to the wider development. Adjacent to the space a noise attenuation bund is proposed.

- 2.3 To the north eastern side of the site where there is a recognised low point in the land levels, a large SuDs area is proposed. This has been located in this location due to the natural drainage route. The basin is to be planted with native, wet-tolerant species.

### 3. Relevant Planning History

Reference	Description	Decision	Date
25/05/EIASCR	Environmental Impact Assessment Screening Opinion for the proposed residential development (Class C3) of 116 dwellings	EIA not required	15.08.2025
25/1107/DEM	Prior approval for the demolition of a 3no. buildings	Prior approval given	23.01.2026

#### 3.1 Environmental Impact Assessment (EIA)

- 3.1.1 An EIA Screening Request was made under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017, to determine whether the proposals comprised EIA development and the requirement of an Environmental Statement. This submission was made with the submission of the application (LPA Reference 25/05/EIASCR). The Screening Decision from Blaby District Council outlined that it is the authority's opinion, an EIA submission would not be required to accompany a planning application for the development proposals. Blaby District Council's decision to screen out EIA from the proposals was issued on 15<sup>th</sup> August 2025.

### 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 and what paragraph these comments have been considered in this report.

#### **4.1 Blaby District Council Consultees**

4.1.1 Blaby District Council Environmental Services (4) (7.4.10)

No objections subject to conditions

4.1.2 Blaby District Council Housing Strategy (2) (7.3.6)

No objections and made comments in support of the application

4.1.3 Blaby District Council Principal Planning and Conservation Officer (2)

No objections

4.1.4 Blaby District Council Neighbourhood Services (2)

No objections

4.1.5 Blaby District Council Sports and Recreational Facilities (2).

Request Developer contributions

#### **4.2 Leicestershire County Council Consultees**

4.2.1 Leicestershire County Council Highways (3) (7.5)

No objections subject to conditions and contributions

4.2.2 Leicestershire County Council Archaeology (2) (7.12)

No objections subject to conditions

4.2.3 Leicestershire County Council Lead Local Flood Authority (3) (7.6)

No objections subject to conditions

4.2.4 Leicestershire County Council Ecology (4) (7.11)

No objections subject to conditions

4.2.5 Leicestershire County Council Forestry (2) (7.13)

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 air quality

4.3.2 Countesthorpe Parish Council (1)

No objections but have made observations relating highways.

4.3.3 Blaby Parish Council (2)

No comments to make

4.3.4 Ward Councillor

No comments received.

4.3.5 National Highways (3)

No objections subject to conditions

- 4.3.6 Environment Agency (2)  
No comments to make
- 4.3.7 Active Travel England (2)  
Refer to standing advice
- 4.3.8 Leicestershire Police (2)  
No objections
- 4.3.9 Leicester, Leicestershire and Rutland Integrated Care Board (NHS) (2) (7.8)  
Request developer contributions
- 4.3.10 Leicestershire Developer Contributions (2) (7.8)  
Request developer contributions
- 4.3.11 Natural England (3)  
No objections
- 4.3.12 Leicestershire Fire and Rescue (1)  
No comments to make

## 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 and site notices erected.
- 5.2 27 representation comments were received. 22 of which objected to the scheme, 1 made comments in support of the scheme and 4 made comments neither supporting or objecting to 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;

- Plans don't link up with existing active travel infrastructure
- Limited parking on the new development
- Flood risk assessment not satisfactory
- Increase risk of flooding
- Highways safety impacts
- Existing infrastructure not satisfactory
- Congestion and traffic implications
- Overdevelopment
- One more access to the site
- Flood defences needed
- Whetstone losing its identity
- Impact on landscape
- Air quality concerns
- Noise pollution

- Archaeological and heritage impact
- Environmental and ecological impact

Letters of support were summarised as the following;

- Further development to be expected
- People need housing
- Principle of development is acceptable

## 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 is important to note that this is a minimum requirement and is 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.
- 7.1.9 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.

- 7.1.10 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.
- 7.1.11 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.
- 7.1.12 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.
- 7.1.13 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'.
- 7.1.14 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.
- 7.1.15 Whetstone benefits from several key services and amenities, including 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.

7.1.16 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.

7.1.17 It is therefore considered that releasing this site would contribute towards the Council's required 5 year supply of housing as required by the NPPF. 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;
- "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."*
- 7.2.8 The LVA submitted by the applicants has noted varied impacts as a result of the development, noting that the impact of change to the north of the site to the residential dwellings will be major-moderate adverse. Additionally, wide ranging views of the site have been described as moderate-minor adverse impact, moving to minor adverse and negligible after 15 years once landscaping has matured.
- 7.2.9 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.
- 7.2.10 Overall, the LVA concludes that proposed development would result in a localised change to the character of the site, primarily through the loss of arable fields and the introduction of new housing; however, this change remains well-contained by the existing built edge of Whetstone and the M1 corridor, limiting wider landscape effects. Over the longer term, the maturing landscape framework, including new woodland, hedgerows and green space, would help assimilate the development, reducing effects to minor adverse, with no unacceptable long-term harm to the wider landscape character. Officers concur with this conclusion.

#### Landscape Strategy

- 7.2.11 Overall, the proposed site provides 5.49 hectares of open space, which also includes a LEAP of 0.04ha, SuDs of 0.38ha and an acoustic bund. The open space is located predominantly to the west of the development site, bounded with the M1 motorway, however, there is a large meaningful strip of landscaping, including the SuDs to the east of the development, with built development largely constrained to the middle of the site.
- 7.2.12 Various species trees are to be planted across the open space, including English oak, Field Maple, Scots Pine and Wayfaring Tree. Native shrubs are to also be included across the open space within pockets and are to include; Common dogwood, Holly and Blackthorn.
- 7.2.12 Within the built development of the site similar species of landscaping is also proposed throughout, this includes street trees such as Cherry blossom, Upright hornbeam and Field Maple. 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.
- 7.2.13 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.
- 7.2.14 With the exception of a small strip of existing hedgerow to the eastern boundary that is to be removed to accommodate visibility splays for Springwell Lane and the new proposed junction into the development, the scheme has been designed to ensure that the majority of the existing hedgerow and mature trees to the northern boundary are retained 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:

	1-bed	2-bed	3-bed	4-bed	5-bed	Bungalow
<b>Market</b>	4	19	31	12	8	8
<b>Affordable</b>	6	12	7	2	2	2
<b>Total</b>	10	31	38	14	10	10

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 115 dwellings proposed.

7.3.7 The application proposes that 29 of the 115 dwellings would be affordable homes, which complies with the 25% required by Policy CS7. 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 location of the affordable units within the scheme have been amended to reduce clustering. The revised layout shows 'clusters' of up to seven affordable dwellings dispersed evenly across the site. 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 acceptable. The affordable dwellings have been designed to be fully in accordance with the criteria of Policy CS7, being indistinguishable from market properties in terms of their design, layout and location, meeting the internal floor space requirements, having rear gardens and adequate off-street car parking.

7.3.9 In addition, the 6 market bungalows will all meet Building Regulation Standard M4(2) and provide accessible and adaptable homes. This represents an over provision against the requirement of Policy DM11.

7.3.10 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 along Emperor Way and the surrounding closes, such as Humes Close. Furthermore, the site partially adjoins an existing industrial site to the north west along Ashville Way. The development also and any new development will need to respect these existing properties and lane uses.

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 116 dwellings split across affordable and market dwellings. This resulted in a development of 32 dwellings per hectare (dph), this was considered acceptable however, some of the back to back and side to rear distances on the site were considered too shallow. As such, an amended design was submitted which reduced the scheme to 115, this resulted in the permitter block to the south having a more satisfactory relationship. This amended resulted in the density being reduced by 0.5dph. As such, this is considered to strike an acceptable balance as required by NPPF paragraph 129.

7.4.4 In addition to this minor reduction to the number of dwellings, amendments were also sought to some of the design elements of the scheme, these

included, additional footpaths to create more connections throughout the site, street furniture, orientation changes to dwellings to obtain picked of green space and changes to house design and layout to ensure active frontages. 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 and render, 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 both slate grey and peat brown tiles. A range of porch styles are proposed, including mono-pitched, flat and pitched, 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 Springwell Lane, where a priority junction is to be created. The access shall have a carriageway width of 6m with a 3m grass verge and footpath to the western side and a 5.3m footpath and cycle lane 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. In addition to this, a small wall is to be erected at the entrance to the development as a gateway feature.
- 7.5.4 To support the access and junction design the Applicant commissioned a Stage 1 Road Safety Audit (RSA1). Leicestershire County Council Highways is satisfied that the audit team were provided with a suitable RSA1 brief and relevant supporting documentation. The RSA1 did not identify any problems

specific to the access design. Therefore, Leicestershire County Council Highways confirm that the Applicant has demonstrated that the proposed development will be served by a safe and suitable access.

- 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.

#### Off site implications – Springwell Lane

- 7.5.6 The existing footway on the western side of Springwell Lane is to be amended to provide an approximate 150.0m long, 3.0m wide footway/ cycleway which will run to a point opposite the existing footway/ cycleway/ emergency access leading through to Cooper Crescent.
- 7.5.7 Leicestershire County Council Highways accept that there are short sections of the route that cannot be widened to 3.0m due to the third-party ownership of the bounding walls and acknowledge that the applicant has widened (when compared to the original proposal) these points to be 2.70m wide.
- 7.5.8 The RSA1 identified a problem (Problem 1-3) that an absence of a pedestrian crossing point could lead to an increase in pedestrian trips or falls due to the difficulty in negotiating a full height kerb. The applicants response states that an uncontrolled pedestrian crossing with tactile paving across Springwell Lane will be created to facilitate access to/ from the footpath. This is shown in the submitted drawings and as such, Leicestershire County Council Highways are satisfied with this approach.
- 7.5.9 A new priority junction is proposed to lead into a 5.50m wide carriageway (the re-aligned Springwell Lane) with a 6.0m corner radii to the south and a 15.0m corner radii to the north to facilitate tractor and trailer combination movements that enable another vehicle to safely pass at the junction. The LHA is satisfied that the junction design, as shown on drawing no. 25465-02-2 Rev. J allows for a tractor- trailer combination to safely undertake turning manoeuvres.
- 7.5.10 The RSA1 considers that there could be an increase in junction overshoot type collisions due to the alignment of the approach and notes there is an existing verge overrun which could result in mud being brought into the carriageway. The RSA1 recommends that an advanced give-way sign should be provided for northbound vehicles and that the extents of the widening should remove the likelihood of verge overrun at the bend. The applicant states an additional give-way sign will be provided and Leicestershire County Council Highways acknowledge that the applicant has implemented sufficient bend widening to ensure the manoeuvres discussed above can be safely undertaken. As such, no further concerns on this matter was raised by Leicestershire County Council Highways.

7.5.11 The RSA1 identified that obstructed visibility at the new junction could increase the likelihood of cross path or pedestrian collisions. In response, and as annotated on the submitted drawings the applicant has advised that established hedgerow and vegetation will be removed to ensure the junction provides suitable junction and forward visibility splays. This is accepted by Leicestershire County Council Highways.

7.5.12 As part of the proposals the existing 30mph speed limit terminal is proposed to be re-located east of the new junction. 30mph/ national speed limit signage is to be erected on either side of the carriageway just before the new junction.

7.5.13 Leicestershire County Council Highways is satisfied that the proposed off-site works have been designed in accordance with the LHDG and that suitable Designer's Responses have been provided to all problems raised through the RSA1.

#### Highway Safety

7.5.14 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

7.5.15 Leicestershire County Council Highways is satisfied with the trip rates proposed. Based on a development of 115 dwellings the proposals are expected to generate 92 two-way trips in the highway network AM peak and 75 two-way movements in the PM peak.

7.5.16 The applicant has calculated traffic distribution data using the 2011 'Travel to Work' census data for residents residing in the Blaby 009 Middle Layer Super Output Area using data set WU03EW. Leicestershire County Council Highways confirmed that this is an appropriate approach to provide a suitable indication of likely travel behaviours for the proposed development.

7.5.17 In conclusion, Leicestershire County Council Highways are satisfied with the methodology employed to assign development traffic on to the existing highway network.

#### Junction Capacity Assessments

7.5.18 The applicant has undertaken an assessment of the below junction;

1. Junction of Springwell Lane and Dog and Gun Lane;
2. Junction of Dog and Gun Lane and Cambridge Road; and

3. Junction (roundabout) of Wychwood Road, the A426 and Lutterworth Road.

7.5.19 Traffic data obtained from surveys has been used to establish baseline traffic flows and Leicestershire County Council Highways have confirmed that an appropriate Temprow growth factors have been applied to establish the future 2029 assessment year base flows.

7.5.20 Leicestershire County Council Highways reviewed the submitted modelling files and outputs and confirmed that the above junctions have been suitably modelled. Given it has been assumed that all development traffic will head north along Springwell Lane, Leicestershire County Council Highways concur with the applicant that the site junction will operate without measurable impact.

7.5.21 Leicestershire County Council Highways also accept that the junction of Springwell Lane and Dog and Gun Lane, the junction of Dog and Gun Lane and Cambridge Road and the A426 roundabout will operate within capacity following the inclusion of the development.

7.5.22 Leicestershire County Council Highways confirmed that the residual impacts of the proposed development on the existing highway network are not considered to be severe in accordance with Paragraph 116 of the National Planning Policy Framework (2024) and that no mitigation measures are required for the proposals to be considered acceptable.

#### Internal Layout

7.5.23 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.

7.5.24 Leicestershire County Council Highways have advised that the internal layout has now been designed in accordance with the LHDG and that the submitted swept path analysis demonstrates that an 11.20m long refuse vehicle can safely move around the site. It is therefore considered that the internal layout of the site is suitable for a S38 application.

#### Transport Sustainability

7.5.25 The site is located on the southern edge of the village of Whetstone which provides opportunities for retail, employment, leisure and worship. The closest bus stops to the site are located on Dog and Gun Lane from where services between Leicester and Lutterworth operate. As part of the proposals the applicant proposes to extend the public footway network, provide a cycle route and crossing facilities to tie into existing footpath infrastructure.

- 7.5.26 Leicestershire County Council Highways consider that the proposed development provides good opportunities for sustainable travel and is satisfied for the LPA to include this transport context in its wider sustainability considerations for the site.
- 7.5.27 The Applicant previously submitted a Travel Plan (TP) which is a requirement for a development of the proposed scale. Leicestershire County Council Highways considered that the TP provides a good overview of objectives, targets and an action plan that outlines specific details that demonstrates a commitment to delivering a programme of initiatives.
- 7.5.28 The applicant has confirmed that the TP will be monitored using MODESHIFT STARS and that a full TP will be produced post grant of planning provision. Leicestershire County Council Highways have advised that the appointment of a Travel Plan Coordinator will be required whose tenure should run for the required five-year monitoring period. These are matters which are to be secured via the S106.
- 7.5.29 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 is located entirely within Flood Zone 1, being at a low risk of flooding from rivers (with a less than 1 in 1000 change of flooding occurring each year). The majority of the site is also at very low (less than 0.1%) and low chance (between 0.1% and 1%) of surface water flooding in a given year. There are isolated areas of both medium and high risk of surface water flood risk within the site that broadly correlates with field boundaries/localised topography rather than indicating surface water flow routes. The largest pocket of surface water flooding is to be integrated into the SuDs pond at the north eastern corner of the site.
- Surface water drainage
- 7.6.3 The Site has an approximate total area of 8.98ha and an approximate development area of 3.77ha. It is assumed that 65% of the development area will be impermeable (2.45ha). A 10% increase to the proposed impermeable area will be applied to account for urban creep as outlined within local guidance, giving an impermeable area of 2.69ha. This excludes the proposed SuDS basin which adds an additional 0.30ha of impermeable area which results in a total

impermeable area of 2.99ha. Within the west of the Site there is a proposed acoustics bund, drainage for the bund has been considered separately from the main residential development.

- 7.6.4 Surface water will be managed using a detention basin located on the site. The basin holds up to 2,090m<sup>3</sup> of water and has a design water level of 74.60m with 1:5 side slopes. Runoff from the development drains through a network of surface water pipes and manholes that convey flows towards the basin. A flow control device at the basin outlet restricts discharge to 12.6 l/s, ensuring runoff leaves the site at a controlled, greenfield-equivalent rate. From the basin, water is discharged to an existing ditch/land drainage network, which then flows towards Whetstone Brook. This relies on replacing or repairing an existing culvert.
- 7.6.5 An alternative outfall option to the Severn Trent Water sewer is shown however, this is subject to agreement and further level checks.

#### Acoustic bund run off

- 7.6.6 The drainage for the acoustic bund will be kept separate from the residential and highway drainage. The drainage for the bund will consist of filter drains located around the toe of the bund. The majority of the bund will be drained to the south to a proposed private surface water sewer which will follow the southern boundary to the existing pond within the Site. The remainder of the bund will drain via a series of private surface water sewers through the site. This will ultimately outfall into the existing ditch similar to the detention basin.
- 7.6.7 National Highways have confirmed that they are satisfied with this approach and have no concerns regarding surface water being discharged on the strategic highway.

#### Foul drainage

- 7.6.8 The development is proposed to connect to the existing Severn Trent foul sewer network. Multiple connection options are shown on the submitted plans, but the final route will depend on agreement with Severn Trent Water and confirmation of sewer levels. Foul flows from the site will be collected via a gravity sewer network of pipes and manholes, directing wastewater towards the chosen connection point. No on-site foul pumping station is indicated as the system is intended to drain by gravity, subject to detailed design checks.
- 7.6.9 The Lead Local Flood Authority and National Highways have also considered the proposals and have no objections subject to conditions. As such, 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;

Table 1: Open space requirements by number of units per site					
<b>Typology of Provision</b>	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 260 residents.

7.7.4 The submitted Design and Access statement and planning layouts that have been submitted by the applicant identifies the different open space typologies. Approximately 5.49ha of open space will be provided on site, split between 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 LEAP). 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.

<b>On Site Open Space</b>	<b>Amount per 1000 population in ha (Delivery DPD figures)</b>	<b>Amount for development in ha (260 population)</b>	<b>Actual Provision in ha</b>
<b>Natural Greenspace</b>	2.6	0.67	3.50
<b>Informal Open Space</b>	1.0	0.25	1.57
<b>Children and Young People's Open Space</b>	0.06	0.015	0.04
<b>TOTAL</b>		0.93	5.11

7.7.5 The overall amount of (publicly accessible) open space proposed significantly exceeds the requirement of 0.93ha of open space that requires to be 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 on site for dwellings under 200.

7.7.7 On-site open space provision and its long-term maintenance (if taken off by the Parish) 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. The applicant has outlined that all open space will be managed by a private management company.

#### Off site contributions

7.7.8 The on-site open space does not include provision for outdoor sports space, allotment/ community gardens, or cemeteries/ churchyards. As such, it is considered appropriate for contributions to be provided to provide for new or improved off-site open space of these types, subject to there being an identified need. The financial contributions will be secured through the Section 106 agreement.

### **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, early years education, SEND education provision, Libraires and Waste 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. Blaby District Council have requested sports provision contributions and Leicestershire County Council have also requested contributions.

#### Education provision

- 7.8.3 Regarding primary education, the development will yield 31 primary aged children. When taking into account primary schools within the catchment area for the development there is an overall capacity within Badgerbrook Primary School, Cosby Primary School, Blaby Thistly Meadow Primary, Blaby Stokes Church of England Primary School and St Peter's Church of England Primary School Whetstone School, as such no financial contributions are requested in respect of primary education provision.
- 7.8.4 Regarding secondary education, the development will yield 18 secondary aged children (11-16). When examining the catchment schools for the area within a three mile radius there is provision with both South Wigston High School and Countesthorpe Academy Community College as such no financial contributions are requested in respect of primary education provision
- 7.8.5 Regarding post 16 education, the development will yield 4 post 16 students. Taking into account providers within a 3 miles radius catchment of the development have sufficient capacity, so a claim is not required for this sector.
- 7.8.6 Regarding SEND education, this development will yield 1 SEND child. Wigston Birkett House special school and Foxfields Academy have a combined deficit of 95 places. Therefore, a full request for contributions towards primary and secondary SEND education of £58,141.88 is justified.
- 7.8.7 Regarding early years education, the development will yield 9 (rounded) early years childcare. There are currently 3 providers within a one-mile distance of the proposed development site, providing a total of 204 spaces. In the Summer period 2025, there were 242 children aged from 9 months to 4 year olds who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies and non-funded children. This means that there is a deficit of 38 places. As such, the contribution of £160,706.78 is justified.

7.8.8 The contributions sought are to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities.

#### Libraries

7.8.9 A contribution of £3,291.55 is sought to provide improvements to Cosby Library and its facilities, as it is considered that the development will create additional pressures on the availability of facilities at that library, and others nearby.

#### Leicestershire County Council Waste contribution

7.8.10 A contribution of £2,745.05 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).

#### Sports provision

7.8.11 The Council's Health and Leisure Team has used Sport England's Playing Pitch Calculator and the Council's Playing Pitch Strategy (Update E Document) to assess and quantify requirements for meeting the increased demands associated with the development for the provision for sport and physical activity. A contribution of £205,064. is sought and it is recommended that this is used to:

- Improvements to Leicester Lions RFU including improvements to the training pitch for youth provision and increased flood lighting to support overplay of Rugby Union in Blaby East
- To support Football provision in Blaby East, it is recommended that a contribution is considered towards improving or replacing the poor changing facilities at the Lutterworth road site
- Grass pitch improvement at Warwick Road Recreation Ground
- Funding towards the Artificial Grass Pitches

#### BDC Waste Contribution

7.8.12 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 £5,635 for the 115-dwelling development.

#### Health care

7.8.13 The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) requests a contribution of £ 111,320.00 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, to the north of the application site, and to Countesthorpe Health Centre within Countesthorpe, to the east of the application site. These are 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:

- 7.8.14 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.
- 7.8.15 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).
- 7.8.16 Finally, Leicestershire County Council Highways also request a contribution for A Residential Travel Plan monitoring fee of £6,000 and a £7,500 contribution toward the consultation process for the relocation of the existing 30/ national speed limit on Springwell Lane, Whetstone.
- 7.8.17 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 Eider Close, Humes Close, Greylag Way and Emperor Way. The site also bounds Ashville Way industrial estate to the north west. The properties on the three closes face onto the site and are 15m (side to rear) 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. It is noted that some of houses such as plot 1 and 12 are to be built close to the boundary of the houses to the north, however, given their positioning they sit behind the building line of the dwellings to the north, and therefore are not considered to harm to the residential amenities of these dwellings.
- 7.9.3 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. The layout has been designed to ensure that all dwellings, each dwelling has a private rear garden area. It is considered that future residents of the site will enjoy good levels of amenity.

- 7.9.4 The proposed house types show an acceptable mix of type and design to ensure that there is visual interest whilst also giving the site to have a cohesive character. Chimneys have been added to dwellings positioned on prominent plots and where a property has two frontages, a dual aspect house design has been utilised to provide good surveillance and active elevations from aspects.
- 7.9.5 In addition to this a LEAP is proposed to the centre of the site along the eastern side of the retained hedgerow the runs north to south which is considered to provide good access to all dwellings across the site. Additionally, the main spine road incorporate highway trees along its full length, in accordance with paragraph 136 of the NPPF which requires that decisions ensure that new streets are tree lined.
- 7.9.6 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 an Air Quality assessment, a Noise Assessment and a Site Appraisal. These reports have been given detailed consideration by the Blaby District Council Environmental Services Team.

### Air Quality

- 7.10.2 The site is not within an AQMA, but lies approx. 2.1 km from AQMA No. 4b. The air quality assessment under took local monitoring along with examining Defra background mapping which shows the site is baseline air quality is within air quality objections. Therefore, it is concluded that the site is appropriate for residential use.
- 7.10.3 The assessment also took into account construction phases of the development and operational phase. The assessment concluded that the construction phase, with mitigation, to be secured via a CEMP, the impacts are not significant. Moreover, during the operational phase traffic-related emissions result in negligible impacts with no exceedances of air quality objectives.
- 7.10.4 Blaby District Council Environmental Services concur with these conclusions and request that a CEMP for construction is conditioned.

### Contamination

7.10.5 The applicants have submitted a land contamination report and Phase II report as part of their submission.

7.10.6 Blaby District Council Environmental Services contamination officer concluded the following;

*Ground gas monitoring was conducted at varying atmospheric pressures. Results show no CH<sub>4</sub> and low levels of CO<sub>2</sub>, with the report concluding a CS1 site, and no requirement for gas precautionary measures within residential dwellings. It is noted that the response zones at locations WS02 and WS03 were flooded (<=30% screen available) on 5 of 6 visits, which has the potential to impact readings. Given that WS02 is located on the northwestern boundary of the site (near to the offsite former landfill site), it is plausible that landfill gases may be detected here. I recommend that an additional monitoring regime be conducted in this location, during drier conditions (or that boreholes are bailed prior), to allow for more representative readings. It may be prudent to also conduct gas monitoring along the northern boundary of the site, e.g. near location TP15.*

*Remediation is proposed in the form of excavation around the historic farm buildings, followed by validation soil sampling. This is acceptable and the applicant should develop a full Remediation Method Statement with the locations and depths of excavation. During the verification stage, any material taken offsite should be accompanied with appropriate consignment notes. If any backfill material is to be imported, demonstration of its suitability should also be included.*

7.10.7 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

7.10.8 The applicants submitted a noise report as part of the application, this outlined that currently the baseline of the site is dominated by noise from the M1 motorway along the western boundary. As such, the scheme proposes a large bund to be created all along the western boundary of the site, the bund is to feature acoustic fencing to the top to further mitigate noise.

7.10.9 The noise assessment has undertaken modelling to show the noise levels, with the mitigation undertaken, would be acceptable on site both within the dwellings and within their immediate private gardens. Some plots are to be further screened by walls to provide additional mitigation. BDC Environmental Services are satisfied with this approach and request a condition be added to ensure that all mitigation outlined within the noise report is incorporated into the development.

## **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. The appraisal concluded that the site is of low ecological value, with limited protected species interest beyond occasional use by bats, farmland birds and barn owl.

7.11.3 In addition to this, approximately 0.69 Ha of the top north western corner of the site is included within the catchment area for Narborough Bog a SSSI located approx. 1.9 km away to the north of the site. As such, Natural England was consulted on the application and requested further information in relation to SuDs and the hydrological impacts to Narborough Bog SSSI. The applicant submitted a technical drainage note regarding this which detailed that the hydrological impacts on the SSSI are considered insignificant given that the development covers 3.77 ha which equates to only 0.02% of the entire catchment for the SSSI. In addition to this, proposed runoff rates match or mimic greenfield conditions in accordance with policy and best practice. Moreover, the applicants outlined that the proposed SuDS would improve water quality compared to the site's current agricultural runoff. The proposed development would result in water travelling 3.5 km downstream through a built-up urban area before reaching the SSSI, providing further dilution and treatment.

7.11.4 Natural England concluded that they are happy with the submitted details for the hydrology matters and will let the Local Planning Authority decide whether it is satisfied with the approach to the SuDs matter. Given that the Lead Local Flood Authority are satisfied with the approach to be undertaken by the applicant the Local Planning Authority consider this satisfactory.

7.11.5 Leicestershire County Council Ecology requested further information regarding breeding birds as such, the applicants provided further information within January 2026. This information concluded that three breeding bird surveys had been undertaken between April – June 2025 on the site and on the adjacent 45 ha farmland to the south. The survey concluded there was a maximum of 6 skylarks across the site and the adjacent arable farmland, which is considered to be below the average density.

7.11.6 Leicestershire County Council Ecology requested further information and required mitigation around the breeding birds, particularly Skylarks, and as such, the applicants submitted a technical note for this. Leicestershire County

Council Ecology lifted their objection upon the submission of this but requested a pre-commencement condition in regards to farmland birds.

- 7.11.7 Notwithstanding the catchment area to the north west of Narborough Bog SSSI, there are no statutory sites within the development. The appraisal notes that there are 13 non-statutory sites Local Wildlife Sites and Potential Local Wildlife Sites (LWS/pLWS) lie within 1 km, including Whetstone Brook (pLWS) and Whetstone, Dismantled Railway and Whetstone Brook (cLWS).
- 7.11.8 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; Skylark, Linnet, Redwing and Linnet and barn owls.
- 7.11.9 The assessment has outlined that the vegetation that requires removal for the development can be mitigated against by the extensive public open space and planting of species-rich grassland, scrub and native trees, including fruit/seed-bearing species. Additionally, create a wildlife friendly SuDS area, managed to support biodiversity and to inclusion of bat and bird boxes where practical.

#### Biodiversity Net Gain

- 7.11.10 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.
- 7.11.11A Biodiversity Net Gain Metric has been submitted which indicates that the site is capable of providing an on-site net gain of 79.9% in habitat units and 202.52% in hedgerow units. This has been updated as the proposed development has evolved with the most recent iteration of the BNG calculations dated September 2025.
- 7.11.12 Whilst the applicant has demonstrated that this development is capable of providing a significant on site net gain, the overprovision of net gain is to be banked for use in future development, this is to be completed via a S106 agreement. As such, whilst all the credits outline with the statutory BNG metric are to be delivered on site, the over-delivery cannot be considered as a material consideration for this planning application. Members should place weight only on whether the scheme meets the 10% statutory BNG requirement, as any additional gain is not a material consideration for this development.
- 7.11.13A further Technical Note records that there is no high distinctiveness habitat on site. The Technical Note does recognise that there is around 100 m of hedgerow to be lost as a result of access and the visibility splays. It is concluded that this is more than compensated for with new hedgerow creation and enhancement. 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.

7.11.14 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. This assessment has concluded that the site holds moderate potential for prehistoric and Iron Age/Roman remains and low potential for other periods. However, Archaeology does not pose a development constraint, and proportionate further investigation (geophysics) is suggested.

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: 4 individual trees (T4, T7, T8, T16) and several hedgerows (H1, H2, H4, H5, H6, H7, H9) and Category C: Majority of tree stock (13 individual trees and G1, G2, H3, H8). There are no ancient or veteran trees on or adjacent to the site or Tree Protection Orders and overall,

the assessment concluded that most trees are low quality with a minority of moderate quality specimens.

7.13.3 Some of the existing vegetation require removal for access to be instated into the site and to provide adequate visibility along Springwell Lane. No individual trees require removal.

7.13.4 The vast minority of trees and hedgerows are to be retained, as the existing vegetation sits mainly along site boundaries and can be integrated into green infrastructure. The retained vegetation has 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 and hedgerows 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.

7.13.5 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 115 dwellings, including 29 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 noise and highways 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.