

## **Application reference: 26/0291/VAR**

**Proposal:** Variation of conditions 2 (approved plans), 3 (materials), 4 (boundary treatments), 5 (surfacing), attached to planning application 24/0004/FUL

**Site address:** Land Off Gillam Butts, Countesthorpe, LE8 5XY

**Applicant:** MyPad

**Case officer:** Charles Ebdon, Major Schemes Officer

**Recommendation:** THAT APPLICATION 26/0291/VAR BE APPROVED SUBJECT TO THE SECTION 106 ENTERED INTO FOR APPLICATION 24/0004/FUL WHICH SECURES THE FOLLOWING:

- 25% Provision of Affordable Housing
- Affordable Housing Commuted Sum
- Primary Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/ enhancement/ management
- Contributions towards, travel packs and bus pass provision
- Recycling and refuse contribution (wheeled bins)
- S106 Monitoring – District and County Councils

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

### **Conditions:**

1. Implementation of development 3 year from the date of approval of 24/0004/FUL
2. Development to be in accordance with approved plans
3. Development to be carried out in accordance with approved external materials
4. Development to be carried out in accordance with approved boundary treatments
5. Development to be carried out in accordance with approved hard landscaping
6. Construction Management Plan to be submitted, agreed and adhered to during development
7. Details of site/finished floor levels to be submitted, agreed and adhered to.
8. Details of external lighting to public areas to be submitted, agreed and adhered to.
9. Arboricultural Method Statement including tree protection measures to be submitted, agreed and adhered to.
10. All existing protected trees and boundary hedges shall be retained
11. Soft Landscaping Scheme shall be submitted and agreed and adhered to

12. 30-year Landscape Ecological Management Plan (LEMP) shall be submitted and agreed and adhered to.
13. Construction Environmental Management Plan for Biodiversity (CEMP) shall be submitted and agreed and adhered to.
14. Surface water drainage scheme to be submitted and agreed and implemented.
15. The development shall be carried out in accordance with the Geo-Environment Assessment.
16. Reporting of unexpected contamination
17. Access arrangements to be implemented in full.
18. Parking and turning facilities to be implemented in full.
19. Parking to be retained in perpetuity
20. No gates, access gates, barriers, bollards, chains etc to be erected.
21. Drainage to be provided within the site such that surface water does not drain into the public highway including private access drives.
22. Bathroom windows to be obscurely glazed
23. Removal of Permitted Development Rights for boundary treatments on selected plots
24. Removal of Permitted Development Rights for additional floors
25. Removal of Permitted Development Rights for additional windows on selected plots.
26. Removal of Permitted Development Rights for extensions on selected plots.

## **1. The site**

- 1.1. The application site comprises a roughly rectangular parcel of land situated to the south of and outside the Settlement Boundary of Countesthorpe situated on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).
- 1.2. The application site measures approximately 1.56 hectares located to the south of Gillam Butts, Countesthorpe. The site is generally level throughout and is bound by established field boundary hedges and trees on the eastern, western and southern boundaries, with the rear garden areas of dwellings along Southfield Close backing onto the site.
- 1.3. Countesthorpe village centre is approximately 800m to the northeast of the development site, which includes a range of local services and facilities, including shops, public houses and restaurants. Centenary Paddock is situated to the west providing open space, with the library and convenience stores located on Station Road.
- 1.4. The application site on land edged in red is situated within Flood Zone 1 which has been shown to be at less than 0.1% chance of flooding in any year.
- 1.5. Land levels are generally levels throughout, with the exception of a ditch situated within the north eastern section of the site.
- 1.6. An Agricultural Use and Quality of Land survey found that the land is grade 3a and 3b agricultural quality. The implications and weight afforded to this matter in the planning balance is dealt with further on in the report.

## **2. Site History**

- 2.1. The application site, benefits from planning permission (24/0004/FUL refers) for a market led development for 41 dwellings comprising of a mix of 31 market housing and a further 10 affordable dwellings.
- 2.2. Application 24/0004/FUL comprised of 7 x 2 bed (including 2 bungalows), 16 x 3 bed and 8 x 4 bed market dwellings and 5 x 2 bed (affordable rent) and 5 x 3 bed affordable dwellings (3 x affordable rent and 2 shared ownership).
- 2.3. The scheme proposed a mixture of single, two storey detached and semi-detached dwellings to be constructed in a mixture of facing brickwork and render in a traditional manner.
- 2.4. The scheme proposed approximately 0.19 hectares of public open space within the western section of the development, including an area for the Sustainable Urban Drainage System (SuDS) pond situated within the northwestern section of the site at the site entrance and an area allocated for ecological enhancement to the west of the site.
- 2.5. Access into the site is proposed off Gillam Butts with off-street car parking provided within the curtilage of each dwelling in accordance with current highway standards.
- 2.6. The application was determined in 31.03.2026 following the completion of a Section 106 Agreement securing affordable housing, and Developer Contributions towards primary education, library, civic amenity and waste facilities, healthcare provision, open space, travel packs and bus passes.

## **3. The Proposal**

- 3.1. The application under consideration seeks planning permission under Section 73 of the Town and Country Planning Act 1990 Act for minor amendments to application 24/0004/FUL. These amendments include the replanning of the southeastern section of the site, the replacement of 6 x 4 bed dwellings with 6 x 2 bed dwellings and the repositioning and increased footprints of selected plots. Further amendments include the removal of garages, the provision of visitor parking spaces and the reduction in the length of private drives.
- 3.2. Application 24/0004/FUL provided 12 x 2 bed dwellings (including 2 bungalows), 21 x 3 bed dwellings and 8 x 4 bed dwellings, of which 31 were market dwellings and 10 affordable units.
- 3.3. The variation sees the removal of 3 x 4 bed dwellings in the southeastern corner of the site to be replaced with an additional 3 x 2 bed dwellings, with a further 3 x 4 bed dwellings replaced by 2 bed dwellings elsewhere within the site. The finalised mix includes 18 x 2 bed dwellings (including 2 bungalows), 21 x 3 bed dwellings and 2 x 4 bed dwellings. The applicant's intention is to provide the

scheme as an all-affordable scheme. The merits of the resultant mix and tenure is discussed further on in the report.

- 3.4. A total of 10 visitor parking spaces has been provided throughout the site in accordance with the Leicestershire Highways Design Guidance.
- 3.5. 25 dwellings have been increased in footprint to meet Homes England standards and the requirements for adoption by the registered provider managing the site.

#### 4. Relevant Planning History

Reference	Description	Decision	Date
82/0856/1/OX	Site For Residential Development.	Refused	03.08.1982
13/0340/1/OX (site to the north)	Residential development of up to 40 dwellings with access off Gillam Butts (Outline)	Refused	22.11.2013
14/0232/1/OX (site to the north)	Residential development of up to 40 dwellings with access off Gillam Butts (Outline) (Re-submission)	Approved	29.08.2014
14/1096/1/MX (site to the north)	Residential development of up to 40 dwellings with associated landscaping and access off Gillam Butts (Reserved Matters)	Approved	18.02.2015
16/0315/FUL (site to the north)	Residential development of 28 dwellings, comprising partial re-plan of previously approved layout and plot substitution resulting in 15 additional dwellings.	Approved	22.09.2016
24/0001/OUT (nearby site to the west)	Outline planning application for the development of up to 185 dwellings (access only) with vehicular access point from Willoughby Road, with all other matters (relating to appearance, landscaping, scale and layout) reserved	Approved	17.02.2026
26/0238/RM (nearby site to the west)	Reserved matters application for the erection of 177no. dwellings (Use	Pending Consideration	

	Class C3) with public open space, landscaping and associated works, including details of layout, scale, appearance, landscaping and internal access (relating to outline application 24/0001/OUT.		
24/0004/FUL	Full Planning Application for the Development of 41 Dwellings and Associated Infrastructure.	Approved	31.03.2026
25/0876/OUT (nearby site to the east)	Outline planning application for the erection of up to 295 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS), a vehicular access point and the demolition of one agricultural outhouse. All matters are reserved except for the means of access.	Pending Consideration	

## 5. 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.

### 5.1 Blaby District Council Consultees

#### 5.1.1 Blaby District Council, Environmental Services (1)

No objections subject to conditions.

#### 5.1.2 Blaby District Council, Housing Options (1)

No objections.

#### 5.1.3 Blaby District Council, Neighbourhood Services (1)

No objections.

- 5.1.4 East Midlands Ambulance Service (1)  
No comments received.
- 5.1.5 Environment Agency (1)  
No comment.
- 5.1.6 Leicestershire County Council, Archaeology (1)  
No objection.
- 5.1.7 Leicestershire County Council, Developer Contributions (1)  
Noted that the number of 2-bedroom houses overall remain the same and consequently did not propose to carry out a re-assessment.
- 5.1.8 Leicestershire County Council, Ecology (1)  
No objection.
- 5.1.9 Leicestershire County Council, Forestry (1)  
No objection.
- 5.1.10 Leicestershire County Council, Highways (LHA) (1)  
No objection.
- 5.1.11 Leicestershire County Council, Lead Local Flood Authority (LLFA) (4)  
No objection subject to conditions.
- 5.1.12 Leicestershire Fire and Rescue (1)  
No comments received.
- 5.1.13 Leicestershire Police (1)  
No objection.
- 5.1.14 Natural England (1)  
No comments received.
- 5.1.15 NHS, Leicester, Leicestershire and Rutland Integrated Care Board (1)  
No comments received.
- 5.1.16 Severn Trent Water Authority (1)  
No comments received

## **5.2 Others**

- 5.2.1 Countesthorpe Parish Council (1)  
The Parish Council welcomes the change in support of more affordable housing for the village.

### **5.3 Additional Representations**

5.1.2 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent residents were notified.

5.1.3 No letters of objection have been received.

## **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)
- Leicestershire Minerals and Waste Local Plan 2019-2031

#### **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 CS7 - Affordable Housing  
Policy CS8 - Mix of Housing  
Policy CS10 - Transport Infrastructure  
Policy CS11 - Infrastructure, services and facilities to support growth  
Policy CS12 - Planning Obligations and Developer Contributions  
Policy CS14 - Green Infrastructure  
Policy CS15 - Open space, sport and recreation  
Policy CS18 - Countryside  
Policy CS19 - Biodiversity and geo-diversity  
Policy CS20 - Historic Environment and Culture  
Policy CS21 - Climate Change  
Policy CS22 - Flood Risk Management  
Policy CS23 - Waste  
Policy CS24 - Presumption in favour of sustainable development

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

Updated Policy CS15 - Open space, sport and recreation  
Policy DM2 - Development in the Countryside

Policy DM4 - Connection to Digital Infrastructure  
Policy DM8 - Local Parking and Highway Design Standards  
Policy DM12 - Designated and Non-Designated Heritage Assets  
Policy DM13 - Land Contamination and Pollution

## 6.2 Material Considerations

- The National Planning Policy Framework (NPPF) (2024)  
Chapter 2: Achieving Sustainable Development  
Chapter 4: Decision Making
- 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 Housing Strategy 2021 - 2026

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

## 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
- Impact On The Countryside And Landscape/Visual Impact
- Affordable Housing and Housing Mix
- Design and Layout
- Impact Of The Development On The Amenity Of Nearby Residents
- Transport and Highway Implications
- Flood Risk And Drainage
- Developer Contributions And Infrastructure/ Facilities
- The Ecological Impact And Biodiversity Net Gain (BNG).

## 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 2025 a total of 2,965 homes had been completed in the PUA. To meet the identified PUA requirement there is a need for around 566 homes per annum to be delivered in the PUA until the end of the plan period (total 2829). 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 the settlements of Enderby, Narborough, Whetstone and Countesthorpe, referred to as the 'Larger Central Villages', as identified in the Housing Distribution Policy CS5 with lower levels of growth allowed in the Rural Centre (Stoney Stanton), Medium Central Villages and Smaller Villages.
- 7.1.5 Policies CS1 and CS5 identify Countesthorpe as a 'Larger Central Village' (along with the settlements of Enderby, Narborough and Whetstone) with modest levels of growth anticipated. Housing delivery in the non-PUA has exceeded the minimum housing requirement set out in the Plan. The Council's recently published Residential Land Availability (RLA) report indicates that as of the 31st March 2025, 3,968 homes had been delivered in the non-PUA. The plan indicates a minimum requirement in the non-PUA of 2,990 dwellings. Countesthorpe has a minimum housing requirement of 520 dwellings between 2006 and 2029. It should be noted that this figure is a minimum requirement and is not a cap. Against this requirement, 782 houses had been committed and completed in Countesthorpe as of 31 March 2025.
- 7.1.6 Although delivery is now slowing in the non-PUA (mainly as a result of a lack of available committed sites) opportunities to deliver housing development of a type and scale needed to facilitate an increase in delivery in the near term are greater in the non-PUA than the PUA mainly due to the constrained nature and large scale of the sites being promoted for development in the PUA.
- 7.1.7 This Planning Committee has recently resolved to grant outline planning permission for several sites in the non-PUA, including.

- 24/0004/FUL - Land off Gillam Butts, Countesthorpe (41 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) and
- 24/0398/FUL - Land off Ratcliffe Drive/Peers Way/Preston Way, Huncote (151 dwellings)
- 24/0511/OUT - Land north of Leicester Road, Sapcote (up to 80 dwellings)
- 24/0770/FUL - Springfield Farm, Forest Road, Huncote (191 dwellings)
- 25/0532/FUL – Land to the West of Springwell Lane, Whetstone (115 dwellings)
- 25/1080/OUT – Land to the East of Holt Way, Littlethorpe (150 dwellings)

7.1.8 Additionally, a site for up to 155 dwellings was allowed by the Inspector at appeal on land off Oak Road, Littlethorpe in November 2025 (Our reference 24/0527/OUT).

7.1.9 Blaby District Council has recently published an updated housing land supply position. This update confirms that as of 1st April 2025 the Authority can currently demonstrate a 2.78-year housing land supply. The Council therefore cannot demonstrate a five-year supply of deliverable sites. As this proposal involves the provision of housing, the application is being considered in the context of NPPF paragraph 11d (the so-called ‘tilted balance’) and other material considerations.

7.1.10 As a consequence of the change in the housing figures required, Paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) of the NPPF, provides that permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This is weighed in the balance of the merits of the application when considered against the policies in the Development Plan in accordance with the NPPF. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

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

7.1.12 The application site however is located some 800m from the village centre by road (where there are a number of shops and other facilities), with Greenfield Primary School being a similar distance away on foot, and the secondary school (Countesthorpe Academy) is approximately 1 mile from the site. The site is connected to the existing footpath network providing pedestrian access to the

village centre and with reasonable access to public transport and thus integrated into the settlement of Countesthorpe, which has direct linkages into Blaby and to Hinckley and Leicester.

7.1.13 Importantly the application site benefits from planning permission for a market led scheme for 41 dwellings which was approved on 31<sup>st</sup> March 2026, and given the residential nature of the proposal in this location and its proximity of the site to the built-up area, which has a range of services and facilities, it is considered that the principle of development has been established and as such is compliant with Policies CS1 and CS5 of the Blaby District Council Core Strategy (2013).

## 7.2 Impact On The Countryside And Landscape/Visual Impact

7.2.1 The application site is situated to the north of and outside the Settlement Boundary of Countesthorpe, on land designated as Countryside as defined by the Policies Map of the Blaby District Council (Delivery) Development Plan Document (2019).

7.2.2 Outside the confines of (or adjacent to) the PUA, Rural Centres, Medium Central Villages and Smaller Villages, in the case of the application site, land is designated as Countryside where Policies CS18 and DM2 apply.

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

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

7.2.5 Whilst it is acknowledged that there would be conflict with Policy CS18 and DM2 given the site's Countryside location, these implications were assessed during the determination of the original application and through the retention and enhancement of existing field boundaries at the edge of the site and in the context of the shortfall in housing land supply and surrounding development it was considered the impacts on the landscape were acceptable.

7.2.6 There have been no significant changes to layout, scale or quantum of development that would alter this position.

### 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 provision of affordable housing and accessible and adaptable homes.
- 7.3.2. 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.
- 7.3.3. The original planning application required 10.25 units to meet the 25% policy requirement. The scheme provided 10 affordable units and a commuted sum to address the 0.25 of a unit. These were secured through a now signed S106 legal agreement.
- 7.3.4. The applicant and registered provider have worked closely with Blaby District Council's Housing Strategy department to arrive at a mix that increased the amount of 2-bedroom dwellings to better meet the social rental housing needs of the District.
- 7.3.5. The variation sees the removal of 3 x 4 bed dwellings in the southeastern corner of the site to be replaced with an additional 3 x 2 bed dwellings, with a further 3 x 4 bed dwellings replaced by 2 bed dwellings elsewhere within the site. The finalised mix includes 18 x 2 bed dwellings (including 2 bungalows), 21 x 3 bed dwellings and 2 x 4 bed dwellings.
- 7.3.6. The applicants have since purchased the site and are intending to provide a 100% affordable scheme.
- 7.3.7. The dwellings will be delivered as additional affordable housing over and above the minimum 25% affordable housing provision required pursuant to the completed Section 106 Agreement.
- 7.3.8. Whilst the increase in affordable housing is beneficial in helping to contribute towards the District Council's affordable housing need which for 2024/2025 was 536 affordable properties per annum, it should be noted that this commitment sits outside the planning framework and as such the weight attached to this aspect of the proposal can only be minimal.
- 7.3.9. Blaby District Council's Housing Strategy Officers are supportive of the proposal and satisfied that the changes reflect the housing needs of the District with the Section 106 agreement securing the policy required level of affordable housing. Accordingly, the proposal conforms with Policies CS7, CS8 and DM11.

#### 7.4. Design and Layout

- 7.4.1. Policies CS2 (Design of new development) and DM1 (Development within the settlement boundaries) seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to its context and development proposals that are consistent with the policies of the Local Plan are to be supported.
- 7.4.2. The original scheme provided a development with a mixture of single, two storey detached and semi-detached dwellings arranged in defined perimeter blocks served by a defined street hierarchy, and regular street pattern along with suitable provision of green space.
- 7.4.3. The change in house types has resulted in an increased area of open space in the southeastern corner of the site. Amendments have been sought to ensure that the structure of the perimeter block has largely been retained, and that the increased open space is suitably overlooked to provide natural surveillance.
- 7.4.4. The street hierarchy and layout remain, except for the reduction in length of the private drives which continue to function as required.
- 7.4.5. Visitor parking is provided adjacent to the edge of private drives and along the southern spur. These provide additional parking within the site and have been sensitively integrated into the development through landscaping and orientation.
- 7.4.6. The increase in floor space of dwellings enable higher quality living conditions for future occupiers without compromising the functional layout of the development.
- 7.4.7. Having regard to the minimal changes to the original scheme, it is considered that the development continues to respect the traditional and semi-rural character and appearance of the area in terms of its layout and design and provision of green space and ensures the retention and enhancement of the existing field boundaries to soften the visual impact of the development whilst ensuring the development is well integrated into the existing settlement. As such it is considered that the proposed development complies with the NPPF, National Design Guide and Policies CS2 and DM2.

#### 7.5. Impact Of The Development On The Amenity Of Nearby Residents

- 7.5.1. 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 vehicular activity.

7.5.2. The layout of the proposed development continues to provide suitable outdoor amenity space to each dwelling and enables suitable separation distances between the proposed and adjoining dwellings ensuring the protection of the amenities of existing residents and future occupiers.

7.5.3. The scale of dwellings remains in context with the environment, ensuring a satisfactory relationship between proposed dwellings. This in tandem with suitable boundary treatments and appropriate window arrangements ensure the protection of the amenities of new residents.

7.5.4. The application is therefore considered to comply with Policy DM2 of the Blaby District Council Local Plan 2019.

#### 7.6. Transport and Highway Implications

7.6.1. 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.

7.6.2. 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.

7.6.3. The application site continues to be accessed from a single access off Gillam Butts which is an adopted C-Classified residential estate road subject to a 30 MPH speed limit. The access arrangements, internal arrangement of roads and parking provision largely remain unchanged and were deemed to be acceptable during the determination of the original application by the Local Highways Authority.

7.6.4. The changes to the layout include the removal of garages, the addition of visitor parking and shortening of private drives as a result of the change in house types.

7.6.5. The Local Highway Authority are satisfied that no changes are proposed to the adoptable layout and that the parking arrangements and surfacing remain in accordance with the Leicestershire Highway Design Guide.

7.6.6. The application is therefore considered to accord with policies CS10 of the Core Strategy 2013, DM8 of the Blaby District Council Local Plan 2019 and the Leicestershire Highway Design Guide.

## 7.7. Flood Risk And Drainage

- 7.7.1. Paragraph 170 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Policy CS22 states that the Council will ensure all development minimises vulnerability and provides resilience to flooding, taking into account climate change. This includes directing development to locations at the lowest risk of flooding giving priority to land in flood zone 1, using Sustainable Drainage Systems (SuDS) to ensure that flood risk is not increased on-site or elsewhere, managing surface water run-off, and ensuring that any risk of flooding is appropriately mitigated, and the natural environment is protected.
- 7.7.2. 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 chance of flooding occurring each year).
- 7.7.3. The majority of the site is at very low risk of flooding from surface water (less than 1 in 1000 chance) although updated flood risk data shows a section of the site close to the entrance of the site has a high risk of surface water flooding. The area of high risk has a 3.3% chance of flooding each year.
- 7.7.4. A Sequential Test was provided as part of the original application which assessed the flood risk of other similar reasonably available sites to establish whether there were any sequentially preferable sites at a lower risk of flooding which could accommodate the development. Following this review, Officers were satisfied that no preferably sequential sites at lower risk from surface water flooding are available.
- 7.7.5. The Lead Local Flood Authority reviewed the original scheme and were satisfied that the site could be suitably drained, subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme prior to commencement and further ground investigation to inform this.
- 7.7.6. The amended application under consideration does not propose any fundamental changes to the scheme in terms of drainage. The Lead Local Flood Authority have reviewed the amendment scheme and again are satisfied that the scheme can be suitably drained subject to condition. Consequently, your Officers consider that there are sufficient controls to ensure that any surface water flood risk is adequately addressed and mitigated.
- 7.7.7. In terms of foul water drainage, during the consideration of the previous application, Severn Trent Water Authority (STWA) confirmed that the nearest foul water sewer capable of receiving flows is within the highway on Gilliam Butts to the north of the site. STWA advised that a new / indirect connection to this sewer would be allowed subject to a formal S.106 sewer connection approval. Connections to the sewer are dealt with separately to the planning regime under a separate regulatory regime. This remains the case in this instance.

7.7.8. In conclusion, it is considered that the proposed development offers the potential for a good quality surface water drainage scheme to be developed which is based on sustainable principles. It is therefore considered that the proposal would comply with Policy CS22 of the Adopted Core Strategy 2013.

## 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.

7.8.2. Policy CS12 seeks to ensure that the requirements for infrastructure, services and facilities arising from any development will be sought in accordance with Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Guidance (2024). This document sets the threshold for provision of such contributions as housing developments of more than 10 dwellings.

7.8.3. The original application was accompanied by a S106 which secures contributions for the following;

- 25% Provision of Affordable Housing
- Affordable housing Commuted Sum
- Primary Education
- Library facilities
- Civic amenity and waste facilities
- Health care facilities
- Contributions or provision of open space provision/enhancement/management
- Contributions towards, travel packs and bus pass provision
- Recycling and refuse contribution (wheeled bins)
- S106 Monitoring – District and County Councils

7.8.4. The S106 legal agreement has provisions to ensure that the agreement shall apply in full to any variation made and approved pursuant to section 73 of the Town and County Planning Act such as the application under consideration.

## 7.9. The Ecological Impact And Biodiversity Net Gain (BNG)

7.9.1. 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.

- 7.9.2. The original application was submitted prior to the introduction of mandatory Biodiversity Net Gain and as such the mandatory 10% net gain is not applicable in this instance. The original scheme does however provide required the 'measurable net gain' of both hedgerow and habitat units as required by the NPPF. Leicestershire County Council Ecology have not raised an objection in relation to the amended scheme with respect to BNG and other ecological implications.
- 7.9.3. Conditions requiring the submission of a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity), a Landscape and Ecological Management Plan (LEMP) and a scheme for the provision of bat and bird roosting features and suitable hedgehog gaps in boundary features to be submitted and agreed shall be carried over to the amended proposal.
- 7.9.4. Accordingly, and subject to the imposition of suitable conditions, it is considered that the development accords with Policy CS19.

## **8. Overall Planning Balance and Conclusion**

- 8.1. In conclusion, 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 in the report above, it is acknowledged can only demonstrate a 2.78-year housing land supply which is significantly lower than the requirement set out in government guidance (and further reduced following the December 2024 NPPF). The NPPF, which is a material consideration in decision making requires that planning authorities identify a five-year supply of deliverable housing sites. Where a five-year supply of deliverable sites cannot be identified then the provisions of paragraph 11 of the NPPF apply. This means granting permission for development unless the application of policies in the framework that seek to protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.3. The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 7. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and any harm arising from the proposal must be weighed against the benefits.

- 8.4. This report has fully considered the application against local and national policy and guidance and against all relevant material considerations as set out above.
- 8.5. The application site benefits from planning permission for 41 houses and as such the principle of development is established.
- 8.6. The provision of up to 41 houses and the associated social, economic and environmental benefits, including provision of affordable housing, improvements to local infrastructure and facilities, and the enhancement and provision of open space and biodiversity are identified benefits of the development. A clear benefit of the proposal which weighs significantly in favour of the proposal is its contribution towards local housing land supply including within the next 5 years.
- 8.7. Furthermore, the proposal would provide a policy compliant level of affordable homes. Moderate weight is attributed to the delivery of 10 affordable homes given the identified affordable housing needs within the district as outlined in the Housing and Economic Needs Assessment (HENA) published in 2022.
- 8.8. It should be noted that it is the applicant's intention to provide a fully affordable scheme on this site. Whilst this will make a significant contribution to the District's affordable housing need, this sits outside of the planning framework and therefore can only be given very limited or negligible weight in the planning balance as the additional affordable housing is not being legally secured.
- 8.9. The site will likely build out over a number of years and will provide a temporary boost to the local economy during site build out. Post development residents will contribute to the wider local economy and will help support local shops and services. Reflecting on the scale of proposals a moderate beneficial economic impact is considered likely.
- 8.10. The site is considered to respect the character and appearance of the area in terms of its layout and design and provision of green space ensuring the development is well integrated into the existing settlement. It is also considered not to unduly impact on the amenities of residents of the proposed development and neighbouring properties. Moderate positive weight is given to these matters.
- 8.11. Developer contributions have been secured towards local services and facilities to mitigate the impacts of the development and make it acceptable in planning terms and address the needs generated by the development itself.
- 8.12. There are no technical constraints relating to flooding, drainage, environmental, ecological or arboricultural constraints that cannot be mitigated.
- 8.13. In conclusion, it is considered that the principle of development has been established and the presumption in favour of sustainable development applies. The benefits relate to contribution of the proposal to the Council's housing land supply, and significant contribution to the Council's affordable housing

provision, economic benefits during the construction phase and to the local economy through household spending and provision of onsite open space. There are therefore no impacts of the development of this site that cannot be mitigated and that outweigh the benefits of providing housing development in this location.

- 8.14. The application is therefore recommended for approval subject to the conditions outlined at the beginning of this report.