

Item No. 1

Application Reference Number P/20/2199/2

Application Type: Outline planning permission

Date valid: 13/12/2020

Applicant: Bowbridge Homes Nanpantan

Proposal: Application for Outline planning permission (including point of Access) for up to 30no. dwellings (Class C3) with associated access, landscaping, open space and drainage infrastructure.

Location: Land off Leconfield Road, Nanpantan,

Parish: Loughborough

Ward: Loughborough

Case Officer: Mark Pickrell

Tel No: 07852720913

Background

This application has been brought to plans committee as it has been called in to plans committee, by Councilor Smidowicz and Councilor Parson for the following reasons:

- Unsustainable location/development
- Impact on heritage assets
- Design, visual amenity and over development
- Residential amenity
- Impact on wildlife
- Traffic generation
- Loss of open space/green space
- Environmental harm
- Contrary to Policy and National Planning Policy Framework
- Loss of an opportunity to preserve an important piece of historical land.

Description of the site

The application site is 1.69 ha parcel of land situated to the west of Leconfield Road and Tyndale Road, within the Forest Road side of Loughborough, on the western side of the town.

The land is in private ownership and is subject to a leasehold agreement with Leicestershire County Council. Notice has been served on the leaseholder.

The land is currently an open field with some tree planting along the perimeter but otherwise, generally, open grassland. As such, it is a greenfield site within the settlement limits of Loughborough.

The application site is immediately surrounded on three sides with residential development along Tynedale Road, Leconfield Road and Montague Drive with the backs of properties and rear gardens abutting the application site with Burleigh Wood abutting the site along the western boundary.

The site has a raised topography in relation to the surrounding properties with the site rising from 80m AOD at the access by 5m to a high point at 85m AOD.

The site is adjacent to the boundary with The Tudor Farmhouse (formerly known as Burleigh Farmhouse) a Grade II listed building which is approximately 12.3m to the rear

boundary of the nearest indicative plot. The site is not close to or within a conservation area.

The site is situated in Flood Zone 1 as defined on the Environment Agency Flood Map for Planning.

The site remains within private ownership and there is no public right of access and no public rights of way within the site.

Burleigh Wood is adjacent to the site and is an ancient woodland and designated local wildlife site. The wood is in private ownership and, while there are no formal public rights of way within the wood, the owners, Loughborough University, currently permit public access.

Description of the Proposals

The application proposes outline planning permission for up to 30no. dwellings with all matters reserved except for access. Appearance, landscaping, layout and scale remain reserved matters, although an indicative layout plan and parameters plan has been submitted to illustrate how the proposed development could be achieved on the site.

The plans show the retention of the existing boundary treatment which is mainly hedging to the boundaries with the backs of residential properties facing towards the site interspersed with trees. The proposal also includes a buffer zone adjacent to the existing woodland at Burleigh Wood.

The indicative layout and parameter plan makes provision for surface water attenuation, a landscape buffer along the boundary with Burleigh Wood, an informal play area adjacent to the southwest corner of the application site and areas of formal and informal open space and landscaping.

The following documents have been submitted to support the application:

- Illustrative layout plan N1249 007 Rev 3
- Parameter Plan N1249 010A
- Exploratory ground investigation report Phase II
- Phase 1 Desk Study ground Investigation report
- Transport Statement ADC1905 RP A v4
- Flood Risk Assessment
- Archaeological desk-based study
- BS583 – 2012 Tree Survey
- GL1028 Landscape and visual impact assessment
- Biodiversity Impact Assessment
- Planning Statement
- Application forms

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Adopted Local Plan for the area

comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS) and the saved policies of the Charnwood Borough Local Plan 1999-2006 (LP).

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. Within the settlement hierarchy, Nanpantan forms part of the built-up area of Loughborough which is an urban centre that has a range of employment and higher order services and facilities available within the settlement, which includes excellent public transport connectivity to the wider area.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials, and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 - Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 - Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS18 - The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS24 - Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 - Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood. The site is within the settlement limits of Loughborough.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off-street car parking.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government’s view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up-to-date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

The NPPF policy guidance of relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years’ worth of housing against housing requirements (paragraph 68). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places.

Paragraph 126 seeks to ensure the creation of high quality, beautiful and sustainable buildings, and places. Good design is a key aspect of sustainable development,

creates better places to live and work and helps make development acceptable to communities. Being clear on design expectations and how these will be tested is essential for achieving this. So too is effective engagement between applicants, communities, and other interests throughout the process.

Section 14: Meeting the challenge of climate change, flooding, and coastal change
New development should be planned for in ways that avoid increased vulnerability to the range of impacts from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure (paragraph 154).

Section 15: Conserving and enhancing the natural environment
Paragraphs 174 – 182 relate to biodiversity and ecology and seeks to avoid significant harm to biodiversity and where development would result in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional circumstances and a suitable compensation strategy. The presumption in favour of sustainable development does not apply where the project is likely to have a significant impact on a habitats site, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site.

Section 16: Conserving and enhancing the historic environment
Paragraphs 190-196 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation.

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) - 2017

HEDNA provides an up-to-date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

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

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Charnwood Local Plan 2021-37

The Draft Local Plan 2021-37 is being prepared and, if adopted, would replace the saved Policies of the Local Plan (2004) and the Core Strategy (2015) including policies to guide development within the Borough for the period of the Plan. The pre-submission version of the Local Plan has been through consultation in summer 2021 and submitted to PINS for consideration in December 2021.

The Draft Local Plan is not adopted but can be assigned weight in the determination of planning applications in accordance with NPPF paragraph 48. At this point, the Draft Local Plan has been submitted to PINS and can be given limited weight.

Relevant Planning History

The site has been subject of previous applications, summarised as follows:

Reference	Proposal	Decision
P/88/2599/2	Residential Development	Refused 15/12/1988
P/07/1974/2	Formation of agricultural access	Granted 26/10/2007

Response of Statutory Consultees

The application has been subject to various rounds of consultation prior to being presented to committee. The first consultation was undertaken following receipt of the application in February 2021, a second round of consultation following receipt of amended layouts and updated supporting information in August 2021 and a third and fourth round following receipt of updated ecological information and clarification of the development description.

The table below summarises the comments received during all consultations with particular regard to comments received in relation to the latest information.

Please note that these can be read in full on the Council's website www.charnwood.gov.uk.

Consultee	Response
CBC Biodiversity	No objections subject to conditions and S106 to secure biodiversity net gain

Consultee	Response
CBC Landscape	Comments on revised details raise concern with regard to loss of unique landscape character within the site and associated views looking out from the site resulting in a cumulative impact equating to considerable harm.
LCC Highways	No objections subject to conditions
CBC Plans, Policy and Placemaking	The site, is located within the adopted settlement limits to development for Loughborough, as defined in the Borough of Charnwood Local Plan. This reflects the sustainable location of the site on the edge of Loughborough, with good access to jobs, services and facilities, in accordance with the adopted development strategy and Policy CS1 of the Core Strategy. On that basis the adopted development plan for Charnwood supports the principle of development in this location.
Severn Trent Water	No objections, subject to formal connection approval
LCC Developer Contributions	<p>No objections subject to financial contributions to support growth (as updated by comments received 11/02/2022), summarised as follows:</p> <ul style="list-style-type: none"> • Waste and recycling - £1,281 • Primary Schools – Note that Holywells has a deficit of 9 pupil places at the time of consultation but that there are alternative primary schools within walking distance resulting in an overall surplus of places such that no financial contributions are required for primary schools • Secondary Schools –no contributions are requested • Post 16 – surplus spaces, no contribution requested • Special Schools – No contribution requested • Libraries – increased demand to be mitigated by contribution of £910
CBC Environmental Health	No objections
CBC Open Spaces	–Updated comments received Jan 2022 recognise that there is a deficiency in open space provision in the ward and that there is anecdotal evidence of use of this site as open space. As the site is not currently identified as public open space its loss would not automatically impact on the Council’s assessment of local open space provision. If the development need / demand is not met on site then existing shortfalls will be made worse and there would be a negative impact on the capacity of existing provision to meet demand. It is noted that indicative on-site provision is shown but this is limited. Details for provision of standard typologies set out in response.

Consultee	Response
Natural England	No objection subject to appropriate mitigation being secured. Construction Environmental Management Plan to be secured to mitigate impacts of dust during construction on nearby SSSIs (Beacon Hill, Hangingstone and Outwoods).
Woodland Trust	Support provision of 20m buffer along the western edge of the development.
CBC Strategic and Private Sector Housing	30% affordable housing required (9 units) consisting of 63% affordable rent and 37% shared ownership. Comments recognise that proposals would provide 30% affordable. No objections.
CBC Conservation and Design	No objections based on amended proposals
LCC Lead Local Flood Authority (LLFA)	No objections subject to conditions
NHS West Leicestershire Clinical Commissioning Group	Recognise that local GP is fully utilised. No objections subject to S106 contributions to review internal layout and improving facilities at Forest Edge Medical Centre, Loughborough to ensure optimum number of clinicians are available to meet the demand. Contribution requested: £15,189.37
Leicestershire Police	No objections in principle
LCC Minerals and Waste	No objections
Cllr Smidowicz (Ward member)	Call in for consideration at Plans Committee. Comments set out objections, summarised as follows: <ul style="list-style-type: none"> • The development is not sustainable • The design • Heritage impact • Overbearing impact from visual amenity and loss of privacy • Disturbance from light and noise to residents and wildlife • Traffic issues
Cllr Parsons	Support for call in for consideration at Plans Committee. Comments set out objections based on context that large portions of open space in the ward have been lost to the University grounds. Objections are summarised as relating to:

Consultee	Response
	<ul style="list-style-type: none"> • The development does not meet requirements for sustainable development • Loss of open space and recreation provision • Impact on Grade II listed Burleigh Farmhouse <p>The following points are also referred to:</p> <ul style="list-style-type: none"> • Visual amenity and dominance • Highways and traffic • CBC's Core Strategy • Health and Wellbeing
Forestry Commission	No comment but recognises proximity to ancient woodland and recommends that standing advice is applied.
Leicestershire and Rutland Wildlife Trust	<p>Raises concern with potential for biodiversity loss. Noted that the site is not of Local Wildlife Site quality but is adjacent to an ancient woodland, Burleigh Wood and recommendations made in relation to provision of a buffer.</p> <p>No objections to the principle of suitable and environmentally sustainable development subject to further biodiversity enhancements being achieved and noting potential to achieve this through detailed assessment at any more detailed application stage.</p>
LCC Footpaths	<p>Notification that a Definitive Map Modification Order under S53 of the Wildlife and Countryside Act 1981 to add a Public Footpath to the Definitive Map has been received.</p> <p>Update: At the time of writing the Modification Order has joined the list submitted to the County Council for processing. Determination can take a number of years, and longer if objections are received.</p>
Leicestershire and Rutland Badger Group (LRBG)	In their capacity as an ecological interest group, the LRGB note that there was a badger record from 2007. A site visit was made in September 2021 and signs of badger found.
Nanpantan Ward Residents Group	<p>Various issues raised. Key points summarised as follows:</p> <ul style="list-style-type: none"> • Overlooking / loss of privacy • Loss of daylight / sunlight or overshadowing • Scale and dominance • Highway safety • Impact on character or appearance of the area • Effect on listed buildings and conservation areas • Effect on trees and wildlife / nature conservation • Economic impact and sustainability • Government policy • Proposals in the Local Development Plan • Previous planning decisions (including appeal decisions)

Consultee	Response
MP Jane Hunt	Comments summarise issues raised by local residents and requests that consideration to be given to traffic, flood risk and drainage, availability of recreational space and loss of amenity.
Loughborough University	<p>No objection in principle, subject to no direct or indirect adverse impact on Burleigh Wood.</p> <p>Advised removal of link from site into Burleigh Wood (owned by Loughborough University), comments made in relation to ecological surveying and recommendation made to increase buffer to Burleigh Wood.</p> <p>Noted that the university campus, the LSEP and Burleigh Wood are private land owned by the university and that while limited public access is allowed on certain parts of its land this is via existing permissive routes and access to Burleigh Wood via Leconfield Road is not supported.</p>

Other Comments Received

A total of 31 neighbours were consulted as part of this application and through the various rounds of consultation some 326 objections and associated documents have been received. 1 letter of support has been received.

The key issues which have been raised through the objections are summarised below:

- Detrimental impact on the character of the area
- Adverse impact on biodiversity
- Biodiversity / ecology information is inadequate
- The site has not been properly surveyed
- Loss of open space
- Impact on the local road network from traffic generation
- Site meets the criteria for a green local space
- Open space is protected from development in the NPPF
- Buffer to Burleigh wood is not adequate
- Ecology makes the site unsuitable for development
- Nanpantan does not have enough open space
- The proposed children's play area is very small and is located at the far end making access harder
- Previous reasons for the rejection of the application in 1998 remain valid
- Development would worsen habitat fragmentation rather than reverse it.
- Site is ecologically sensitive
- Tree planting is required and the developer's layout plan falls short of this

All comments are available for viewing in full on Charnwood's website.

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy.

It is acknowledged that these plans are over 5 years old and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice such that there is no reason for them to be given reduced weight.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also 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 for planning permission to be refused.

Part i) of NPPF paragraph 11 d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 7 and are generally nationally designated areas such as SSSI’s, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF’s presumption in favour of sustainable development and the ‘tilted balance’ applies.

The main issues are considered to be:

- The Principle of Development
- Landscape and Visual Impact
- Ecology and Biodiversity
- Open Space
- Heritage and Archaeology
- Impact on residential amenity
- Housing Mix
- Highway Matters
- Flooding and drainage
- Loss of agricultural land
- S106 Contributions

The Principle of the Development

The site is located within the settlement limits of Loughborough as defined by saved policy ST/2 of the Local Plan (2004) and is surrounded by residential development on three sides. While the site abuts ancient woodland to the west, the proposals are taken as greenfield development within the settlement limits of Loughborough. As such the proposals would not conflict with Core Strategy CS1 which seeks to encourage new residential development within the confines of Loughborough as it is the largest

settlement in the borough with good access to jobs, services and facilities and public transport.

It is noted that as part of the draft local plan, a review of the settlement boundaries has been undertaken. Based on a mechanical process undertaken to tightly define the settlement by enclosing the established, cohesive built form rather than to identify and allocate sites for housing development. A set of assessment principles and criteria were applied to provide a methodical approach and ensure that the settlement limits to development were prepared in a clear, transparent and objective manner. The review of the limits to development in the vicinity of the application site has resulted in a revision which alters the previous 2004 limits to development in this location and would now exclude the proposed site from within the limits to development for Loughborough, instead the revised limits to development are now positioned along the rear residential curtilages of properties on Tynedale Road and Montague Drive, excluding the application site. The policies of the draft Local Plan are still considered to have limited weight at this stage because of the stage of preparation of the emerging plan which is yet to complete Examination in Public.

While, based on the adopted development plan, the site is within the settlement limits of Loughborough where residential development is encouraged by adopted policy, the council is also currently unable to demonstrate a five-year housing land supply. As such policies of the development plan which restrict residential development are to be given limited weight and the NPPF's presumption in favour of sustainable development, as set out in NPPF paragraph 11 d is to be applied. While the adopted housing policies of the Local Plan supports the principle of development in this location, the 'tilted balance' also requires sustainable development to be approved unless any adverse impacts significantly and demonstrably outweigh the benefits.

The site has been considered as a potential allocation in the emerging Local Plan and assessed through the Strategic Housing and Employment Land Availability Assessment (SHELAA). It was included as a potential site with capacity for approximately 41 dwellings. At that time, the site was considered on a broad level as being suitable for residential development with no flood risk was considered. The assessment identified that there were geological features that should be considered as this may limit the amount of development that can be delivered on the site. There were no known irresolvable or physical environmental constraints that would preclude the site from being developed for residential use. In addition, it was considered that the site could be deliverable at the time of the assessment within 6-10 years. This was based on the potential economic viability of the site and the developer capacity to complete/sell development. The site was not recommended to be excluded from the SHELAA but the site was excluded from the pre-submission version of the Local Plan following a high level assessment of ecological constraints, including proximity to Burleigh Wood, and that other sites would be better placed to meet the housing needs of the Borough.

While the policies of the emerging Local Plan can only be given limited weight, Policy CS1 continues to apply an overall spatial strategy of urban concentration with 31% of the borough's development within the Loughborough Urban Area. It is noted that the Settlement Limit Review (2018) excluded the site from within the settlement limits of Loughborough following the removal of the allocation from the draft Local Plan and the resultant greenfield site not being considered to be part of the built-up area of Loughborough. Instead, the methodology applied to defining the limits of Loughborough drew the boundary tight with the rear boundaries of surrounding dwellings such that emerging policy would show the site as being in the countryside.

There are no particular landscape designations on the site, it is not within an area at high risk of flooding, is not within a conservation area and there are no known issues of contamination within the site. The site is noted as being of unusual topography with notable geology but there are no specific designations or constraints on the site which prevent the principle of residential development on the site from being acceptable.

Taking into account the sustainable location of the site within the settlement limits of Loughborough where residential development is encouraged by the Development Plan, along with the Council's current lack of five year housing land supply which results in the requirement to apply a presumption in favour of sustainable development, the principle of residential development on a greenfield site within Loughborough is given significant weight in the consideration of these proposals with refusal being justified if the adverse impacts significantly or demonstrably outweigh the benefits of providing housing within the settlement boundary of the largest town in the Borough.

Landscape and Visual Impact

The site is within the boundary of Charnwood Forest and has been recognised in general landscape character assessments of the area. There are no other specific landscape designations on this site.

The site was previously designated as an Open Space of Special Character through Local Plan (2004) policy EV/18. EV/18 sought to protect important areas of open land (privately and publicly owned) which contribute to the character of a settlement, either individually or as part of a wider network of open space. This policy was not saved following the adoption of the Core Strategy (2015) and policy EV/18 was superseded by Core Strategy Policy CS11 – Landscape and Countryside. Policy CS11 does not designate specific sites for landscape protection and takes a broader approach to support and protect the character of the landscape and the countryside. In particular, the policy requires new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments as well as taking account of, and mitigating, its impact on tranquillity.

The site falls within the broader Soar Valley landscape character area and, recently, the site has been assessed as part of the evidence base for the emerging Local Plan, particularly the LUC Landscape Sensitivity Assessment (2019) under site reference PSH447. The Landscape Sensitivity Assessment comments on this site along with a proposed allocation site at Snells Nook Lane, to the immediate west of Burleigh Wood, which is referenced as PSH133. The assessment recognises that the site is sandwiched between residential development and Burleigh Wood and consists of rough grassland. In relation to form, density, identity and setting of existing development, the assessment recognises that the sites form part of the wider landscape setting to existing development. It also recognises that there are long range views from the site. In relation to perceptual and experiential qualities, the assessment notes that the site is influenced by the surrounding residential development. In summary, the assessment finds that the site at Leconfield Road has low to moderate landscape sensitivity on the basis that it is more closely associated with existing development and screened from the wider landscape by existing woodland.

The site is outside of the National Forest but within Charnwood Forest, along with the surrounding southwestern parts of Loughborough. The Charnwood Forest Landscape Character Assessment (2019) provides an overarching assessment of the Forest, which

extends from the edge of Loughborough to Anstey and Coalville. The site falls within landscape character area no. 7 including Loughborough, Shepshed mixed farmland. The Assessment recognises the expansion of large settlements and the resultant urban influences on the Forest, including the Loughborough University Science and Enterprise Park (LUSEP), with recommendations including that new development is well integrated within the landscape with adequate planting to soften urban edges. This information has helped to inform the proposed allocations in the emerging Local Plan, including the LUSEP and residential allocation at Snells Nook Lane.

The application includes a Landscape and Visual Impact Assessment (November 2020). This sets out the applicant's view of the proposals and impact on the character and appearance of the area. Based on an assessment that includes review of landscape character assessments and consideration of the historical components of the landscape the report comes to the conclusion that the sensitivity of the landscape character of the site is 'medium to low'. The assessment of landscape effect would be felt greatest in the immediate setting but with a reduced impact in wider views of the area. Overall, the submitted LVIA comes to the view that whilst the proposals would affect the landscape setting in views from the residential areas immediately surrounding the site, the views from the wider area would be limited by existing development, existing trees and the topography of the area. Any longer range views of the site would be taken in the context of wider views of the built up areas of Loughborough which surround the site.

CBC's Senior Landscape Officer has been consulted at various stages of the application and, based on the amended layout and details received in August 2021, comes to the view that the internal characteristics of the site are unique in terms of its topography and openness leading up to the edge of Burleigh Wood and the buffer that the site provides to the ancient woodland, the loss of which would result in increased fragmentation of the woodland from surrounding habitat. In addition to the internal characteristics, the officer also notes the expansive views that can be gained whilst looking out from the site, with views being possible across Loughborough towards the Wolds. The officer considers that the cumulative harm to the landscape would be 'considerable' based on the detail available with the application. Further to the consideration of the proposals as submitted, the landscape officer proceeds to provide advice as to potential conditions that could mitigate harm in the event that members were minded to approve. Based on the stated conditions being applied, the assessment of harm could be expected to be reduced to 'less than considerable'. Taking into account NPPF paragraph 55 it is reasonable to consider the use of planning conditions if these could be used to make a development acceptable.

While concerns are raised with regard to the unique character of the site which can be appreciated from within the site, it should be noted that no issues are raised with regards to impact on the wider landscape setting of Loughborough or views from the surrounding public rights of way. As such the harm recognised by the landscape officer relates to the particular characteristics of this parcel of land as viewed from within the site. The comments go on to provide guidance on potential mitigation which would significantly reduce the level of harm to less than considerable. On that basis and appreciating that any harm is largely based on views from within a private site, there are suggested conditions which could reduce the level of harm to 'less than considerable' and that as this is an outline application with details of scale, appearance, layout and landscaping all as reserved matters, the level of landscape impact should be considered as part of the planning balance as to whether they '*significantly and demonstrably outweigh the benefits*' to justify refusal in the terms of NPPF paragraph 11 d).

In order to inform consideration of the level of impact which would be significant and demonstrable enough to justify refusal in light of NPPF paragraph 11 d) it is worth taking into account a recent appeal decision in the Borough at Maplewell Road, Woodhouse Eaves (application ref. P/20/2107/2), which is a material consideration. To summarise the case, that site is in the countryside to the west of Woodhouse Eaves with a site boundary that abuts existing residential development and the settlement boundary on one side. The site is within Charnwood Forest and the National Forest. Otherwise, the site is in open countryside with a topography that rises from the road frontage to the rear of the site. The site is in the vicinity of Broombriggs Farm with associated public rights of way through the surrounding countryside. The appeal inspector noted the '*pleasant landscape*' but, despite the countryside location and abutting an 'other settlement' (as defined by the Core Strategy), they found that the landscape impact from an outline development in a countryside location for up to 36 dwellings did not constitute significant or demonstrable harm so as to justify refusal while the Council does not have a 5 year housing land supply. In comparison, this site at Leconfield Road is more confined within residential development, is within the settlement limits of Loughborough (as defined by saved Local Plan policies and Core Strategy) with better access to services and facilities and is less visible in views of the wider landscape.

It is also noted that the emerging Local Plan retains the allocation for the LUSEP and adds a residential allocation at Snells Nook Lane, both of which directly adjoin Burleigh Wood and would relate to the Landscape Officers' comments relating to the fragmentation of woodland. On that basis, the proximity to Burleigh Wood is not a reason to restrict the principle of development on this site and that, subject to mitigation, it may be possible to achieve a detailed scheme through future reserved matters that respects the particular landscape of this site such that the policy requirements and a presumption in favour of sustainable development are satisfied.

It is recognised that the site is of importance to the local area and provides an important buffer to the ancient woodland of Burleigh Wood. However, the impacts of the development on the wider landscape setting are limited. Any views are taken in the context of the site being surrounded on three sides by existing residential development and with the main built-up area of Loughborough extending to the east of the site. It is also recognised that residential development of the site is likely to result in harm to the internal landscape characteristics of the site but, when taken in the context of the landscape setting of Loughborough and when compared to other sites in the Borough, the level of loss is limited by the fact that the particular landscape characteristics are predominantly appreciable from within the site only and that there is no right of public access into the site. It is noted that development is likely to bring the built-up area closer to Burleigh Wood but considering the proximity of existing residential development and other allocations in the area, this is not considered to present an insurmountable issue that could not be overcome through good design in a reserved matters application and mitigated through the use of conditions to avoid significant and demonstrable harm to landscape assets. As such, the overall landscape harm which can be afforded to this outline application is not considered to be significant or demonstrable in its own right so as to justify refusal in relation to CS11 and the NPPF.

Ecology and Biodiversity

There are not any particular ecological or biodiversity designations within the site, however, it is located directly adjacent to Burleigh Wood which is an ancient woodland and a local wildlife site and therefore the potential impact on the woodland is to be considered carefully.

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design along with the provision of appropriate green infrastructure. The NPPF paragraph 180 also seeks to achieve biodiversity net gains and evidence has been provided to demonstrate how this could be achieved. In particular, NPPF paragraph 180 c) states that *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*.

The proposals lie outside of the ancient woodland and local wildlife site and do not propose any loss to the designated habitats of Burleigh Wood itself. However, residential development adjacent to important habitat has the potential detract from its ecological value. In respect of this it is worth reiterating that the application is for outline consent and the precise amount and location of development, along with landscaping and open space is not defined, though an indicative layout and parameter plan has been provided which retains a total of 20m buffer to the woodland and residential areas (15m no dig buffer as per standard ecological buffer plus additional 5m with some earthworks but no dwellings).

The submitted information includes an Ecological Appraisal and an updated Biodiversity Impact Assessment (BIA) based on the Warwickshire Method.

The ecological and biodiversity impact of development of this site on the habitats within the site and the adjoining ancient woodland and local wildlife site have been subject of extensive local interest and has been carefully considered as part of this application, including information submitted by an ecologist appointed by Nanpantan Ward Residents Group. The Council's Senior Ecologist, Leicestershire and Rutland Wildlife Trust, Natural England, Forestry Commission and the non-statutory Leicestershire and Rutland Badger Group Trust have commented on the proposals and the supporting documents. Comments are summarised above and are available in full via Charnwood's Planning Explorer.

The Ecological Appraisal is accepted by Charnwood's Ecologist as providing a satisfactory assessment of the site. Comment was provided by Charnwood's Ecologist to inform an updated version of a BIA based on use of the Warwickshire valuation method and the following submission is accepted as providing an acceptable assessment of the site's current biodiversity value. Based on the BIA, Charnwood's Ecologist raises no objections to the proposals, subject to conditions and a S106 legal agreement to secure potential for off-site contributions, if needed, to ensure a biodiversity net gain is achieved through any future reserved matters.

It is noted that consultation responses have raised objection to the detail of the Ecological Assessment and BIA. NWRG have submitted a review of the Ecological Assessment and these comments have been taken into account by Charnwood's Ecologist, however, the objections and issues raised are not supported by Charnwood's Ecologist. The current ecological value of the site, as set out in the Ecological Assessment and BIA, is accepted by Charnwood's Ecologist and any detailed proposals which may come forward through reserved matters can be compared to this baseline to ensure that they achieve the NPPF's requirement for no net loss of biodiversity.

On that basis, there are no objections to the principle of development on the site in terms of ecology and biodiversity and officers are content that any future reserved matters could achieve the required 'no net loss' of biodiversity, subject to any detailed proposals which could come forward if permission is agreed and any further BIA which would take into account the current baseline value of the site along with the detail of any future proposals to allow a full calculation of biodiversity impact to be considered. The proposals are therefore considered to comply with CS13, EV/1 and NPPF paragraph 180.

Open Space

As mentioned above, the site was previously designated as an Open Space of Special Character as part of the Local Plan (2004). It is noted that consultation responses have referred to the now superseded designation as open space and it is worth clarifying that the previous designation through policy EV/18 was not on the basis of it being publicly accessible open space used for recreational purposes but based on its landscape value. Any former designation as an Open Space of Special Character should be taken on the basis of it being a landscape designation, rather than a designation relating to recreation and leisure provision and there are no current or historic designations on the site based on it being used for recreational purposes.

It is also worth reiterating that the site is privately owned agricultural land with no public right of access into or through the site. At present the site is gated and fenced. It is noted that this has not always been the case and consultation responses have indicated a history of public access onto the site for recreation. While this may have been at the owner's discretion, no evidence has been presented to demonstrate that there is any legal right of entry for any persons other than that tolerated by the owner and at the time of consideration of this application there is no public access to the site. Any loss of access to open space should be considered on the basis that there is no legal right of entry to the site for any persons other than that granted by the owner of the site and the current permitted use of the land remains as being for agriculture.

It is noted that submissions were made to CBC in March 2021 seeking to designate the site as an Asset of Community Value (ACV). The application was refused on the basis that the primary use of the site was agricultural and that while there may be a history of community use this was secondary to the primary use.

It is also noted that a submission has been made to LCC in March 2021 to create a public right of way through the site. At the time of writing, the submission has not progressed. LCC are obliged to consider the submission but have advised that this process can take a matter of years to reach resolution. The fact that a submission has been made should be taken into account but there is no PROW at the time of writing and no comfort provided by LCC that a decision on submissions for a new PROW will be made in the immediate future that could justify delaying determination of this outline application, therefore, the application falls for determination based on the situation at hand. Furthermore, as landscape, layout, scale and appearance are reserved matters, if outline permission were to be granted and the submission to create a PROW progresses to approval before reserved matters are determined then any detailed layout could take into account any new PROW within the site. On that basis, the ongoing consideration for a new PROW within the site is not considered to be restrictive on the determination of the current outline application.

While there are no particular open space designations on the site, the site was considered as part of the evidence base for the emerging Local Plan as a potential Local Green Space designation. Local Greenspace Assessment (May 2021) assesses various sites on the basis of their potential for allocation as a Local Green Space in the emerging Local Plan, including this site at Leconfield. The assessment methodology is based on the criteria set out in the NPPF (as updated). For reference, NPPF para 101 states:

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

NPPF para 102 sets out the specific criteria against which a potential Green Space is assessed, including:

- a) *In a reasonably close proximity to the community it serves;*
- b) *Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) *Local in character and not an extensive tract of land.*

For context, Planning Practice Guidance (PPG) provides further clarification for the implementation of the NPPF and the designation of Local Green Space. Paragraph 007 reference ID: 37-007-20140306 states that *‘Designating Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’*

In relation to potential designations where planning permission is involved, PPG paragraph 008 reference ID: 37-008-20140306 states that: *‘Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.’*

In relation to public access, paragraph 017 reference 37-017-2014-0306 of the PPG states that *‘Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and / or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with landowners, whose legal rights must be respected.’*

As set out at PPG para 020 reference ID: 37-020-20140306, a designation as Local Green Space would have a similar level of protection as Green Belt, but otherwise there are no other restrictions or obligations on the landowner.

The Local Green Space Assessment (May 2021) concludes that *‘The site meets the criteria in paragraphs [102]a and [102]c of the NPPF. The site is potentially demonstrably special considering its beauty, historic value, and richness in wildlife and this would*

suggest the site meets the criteria in paragraph [102]b. An application for outline permission for up to 30 dwellings is currently being considered by the Council (P/20/2199/2). The site does not meet NPPF paragraph [100] as if the current planning application was approved it would result in the site not being able to endure beyond the end of the plan period.' The concluding recommendation is that the site should not be designated as a Local Green Space. The site is not proposed to be designated through the emerging Local Plan and the application is to be considered based on the particular characteristics of the site.

It is noted that consultation responses have referred to a lack of open space and recreational facilities in the area and the view that this site should be retained for use by the local community. Notwithstanding that the site is privately owned agricultural land with no right of access or designation for recreational use, reference has been made to an existing deficit of open space in the Nanpantan Ward and a historical loss of greenspace that this site should be retained to compensate for.

The Charnwood Open Space Assessment (2017) forms part of the evidence base for the emerging Local Plan and provides a definitive review of available open space in the Borough, including a breakdown for wards within Loughborough as well as larger villages. The assessment takes into account various typologies of open space, including formal parks and gardens, amenity green space, natural and semi natural green space, children and young people's facilities, allotments, community gardens and urban farms, cemeteries and churchyards, green corridors, and civic spaces. Accessibility to the various typologies is based on applying a reasonable distance of travel to those facilities. The Assessment has informed the Open Space Strategy (2019) and the policies included in the emerging Local Plan as well as providing justification for S106 contributions towards open space. The assessment focuses on open space and does not take into account the wider socio-economic issues that policy seeks to help with.

The Charnwood Open Space Assessment (2017) finds that Nanpantan Ward runs at a deficit for the majority of open space typologies, however, this is similar to the majority of other wards within Loughborough and, in some areas, Nanpantan has better access to open space than other wards, particularly those in some of the larger villages included in the study. While the document is intended to inform plan making, it does provide detailed information on the availability of open space to residents in the Nanpantan Ward and can help inform an assessment of the potential impacts on the area and the potential for this site to contribute towards new provision of open space to address any new demands from this development. It is not necessary for this site to contribute to any existing deficit, only to ensure that any additional impact created by this development is addressed.

Nanpantan Ward spans approximately 3.8km from Epinal Way in Loughborough to the M1 motorway. It is bounded to the north by Ashby Road and, approximately 1.1km the south, Nanpantan Road / Forest Road. As a relatively linear ward, it encompasses the predominantly residential areas in the forest side of Loughborough with parts of the university campus from Epinal Way up to an including countryside on the western edge of Loughborough, alongside the M1. The proximity to open space for residents of Nanpantan Ward is dependent on where within the ward they live, with residents in the east of the ward having better accessibility to facilities in the town centre and those towards the west having better access to countryside footpaths.

Within the ward there is the Kirkstone Road play area, green corridors running along cycleways linking Forest Road to the university and there is permissive access to the parts of the university grounds and sports pitches. While the Open Space Assessment

provides a focussed review with a break down for each ward, it is important to take a 'real world' view of the availability of open space to residents, who are not typically constrained by ward boundaries to meet their day to day needs.

Any proposed development of this site and the associated comments from Charnwood's Open Spaces team takes into account the availability of open space in the surrounding area and, although outside of confines of the ward boundary, the site is reasonably well located to be able to benefit from good access to Jubilee Woods and Outwoods via footpaths and bridleways linking from Watermead Lane into the National Forest. There are also sports facilities located off Watermead Lane with a bowls club, tennis club, football pitches, cricket pitches and new MUGA (currently being replaced as part of the works to provide a new cemetery). There are also allotments off Forest Road and Holt Drive play area with associated green corridor on Woodbrook Way, all of which are reasonably located for residents in the east of the ward. Also, further to the east is central Loughborough with its associated parks and leisure facilities. To the north is the emerging Garendon Park SUE development with its requirement to provide public access routes to the registered parks and gardens.

Taking the above into account and while it is acknowledged that there is a deficit of open space within Nanpantan Ward based on the methodology set out in the Open Space Assessment, the overall accessibility of the site to existing open space and the potential for some new open space to be provided on site is not considered to be restrictive on the principle of residential development on this site.

It is noted that this site forms the basis of a Vision for the Leconfield Open Space prepared by Nanpantan Ward Residents' Group and Friends of Leconfield Open Space which sets out aspirations to purchase the site and establish a network of permissive paths linking the site to other open space within Nanpantan Ward and Outwoods. While the intention is appreciated, there is no support in adopted or emerging policy for the proposed details and the aspirations are not based on ownership or control of the site or related land. The vision does not form part of adopted policy and it does not override the need for housing and the potential for this site to provide up to 30 dwellings in a sustainable location within the settlement boundary of the largest town in the Borough.

Whilst the above issues do not present a reason to refuse planning permission in principle, the proposals are still required to be assessed based on their impact on existing open space facilities and make provision to address any new need on site where feasible or contribute towards improved provision off site. While this is an outline application with all matters reserved except for point of access then there remains scope to agree final details for any on-site provision and any necessary contribution for off-site facilities subject to the final number of houses proposed. In this instance, an indicative layout has been provided which demonstrates that it is feasible to provide some play area provision within the site, subject to impact on nearby dwellings and site sensitivities. It is also reasonable for a S106 legal agreement to be secured (based on the Heads of Terms set out below) that secures a scale of contributions, the final amount for which would be based on details which may come forward as reserved matters.

In summary, while it is recognised that efforts have been made by the local community to achieve a right of access or protection of the site through various designations, these have not been successful such that there remains no restriction on the principle of development of the site in terms of open space. The site is not afforded any particular protection as open space by adopted or emerging policy. The importance of the site to the local community is recognised but the site remains in the ownership of the applicant (and the access within LCC, who have been notified of the application) and there is no

public right of access such that the loss of a greenfield site for residential development does not weigh heavily in the planning balance. Furthermore, there are no objections from CBC's Open Space team in relation to the availability of open space to future residents, subject to S106 contributions, and the proposals could make a modest improvement to the accessibility of the site to the local community with potential for natural amenity space and a potential play area to be made available, albeit within the setting of residential development rather than the current greenfield site.

Heritage and Archaeology

The site is immediately north of Burleigh Farmhouse which is a grade II listed building. CBC's Conservation Officer has reviewed the proposals in response to the original and amended layouts. NPPF paragraph 199 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation. A summary of the Conservation Officer's comment is that the site is not within a conservation but is immediately to the north of Burleigh Farmhouse which is a grade II listed building.

The Conservation Officer's comments recognise that the site is elevated in relation to the surrounding area and the site contributes to the character of the area resulting in development of the site potentially being prominent in the immediate area. The site was once part of Burleigh Farmhouse but subsequent development has effectively severed evidence of past association such that the site is not considered to be within the curtilage of the listed building but is still considered to have an impact on the setting of the listed building, particularly along its southern edge. The development therefore has the potential to result in some degree of harm to the setting of the designated heritage asset.

In relation to the original proposals, the Conservation Officer advised that the layout should mitigate harm to the setting of the listed building by retaining more open space in the vicinity of the listed building. An amended layout was subsequently submitted to the satisfaction of the Conservation Officer and there are no objections to the updated proposals on the grounds of heritage.

While it is recognised that development of the site has the potential to result in some degree of harm to the setting of a grade II listed building and that it is an outline application with all matters reserved except for the point of access, the amended indicative layout and associated parameters plan demonstrates that there is potential to develop the site whilst achieving an acceptable relationship with the listed building.

There are no records of archaeological interest within the site or in the immediate vicinity. An archaeological desk-based assessment has been undertaken by the applicant and submitted as part of the application. In summary, this finds that the site has a low potential for significant archaeological remains for all periods. On the basis of the limited archaeological potential identified there are no fundamental archaeological constraints to development on the site. Charnwood's heritage and conservation officer has reviewed the submissions and has no objections on the grounds of archaeology.

In terms of the NPPF paragraph 202, and considering the separation from the original curtilage, the surrounding development and the parameter plan showing an off-set from the listing building, the impact on the heritage asset is 'less than substantial'. The degree of harm to the nearby heritage asset is weighed against the public benefits of the scheme, including provision of housing while Charnwood do not have a 5 year housing land supply and the provision of affordable housing. Taking the above into account it is

considered that the proposals comply with CS14 and NPPF section 16, including paragraph 202.

Impact on residential amenity

The application is for outline planning permission with all matters reserved except for access. Landscaping, scale, appearance and layout are reserved matters which, if outline permission were to be granted, would need to be submitted for approval. While the application seeks outline consent, an indicative layout has been provided which demonstrates that there is potential for development on the site to provide up to 30 dwellings with a layout that retains approximately 32m distance to the closest existing dwellings to the north and approximately 25m to dwellings to the south, albeit with details of topography and finished floor heights to be considered.

It is reasonable to expect that with full details of design, layout and landscaping that the unique characteristics of the site, including its topography, could be taken into account to achieve a suitable development that is in accordance with policy CS2, EV/1 and NPPF section 12 as well as the Design SPD (2020).

Should outline permission be granted then the Council would retain control over the scale, proximity and design of any new dwellings on the site through any future reserved matters application and this would need to demonstrate compliance with adopted policy. In accordance with NPPF paragraph 55 further control can be retained in relation to particular details through planning conditions, including the details set out in the recommended conditions relating to detail of finished floor levels, boundary treatment, detailed layout, landscaping and any development being in keeping with the parameters plan.

The application seeks outline planning permission with all matters reserved except for access so a detailed assessment of the impact on residential amenity, including overlooking and overshadowing, can be made if permission were to be granted and details submitted as reserved matters. However, given the parameters of the site and the indicative layout it is reasonable to expect that an appropriate scale, design and layout could be achieved, complemented by an appropriate landscaping scheme, to ensure that the residential amenity of surrounding dwellings is protected and complies with policy.

Housing Mix

Policy CS3 of the Core Strategy defines the expected housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 30% of the up to 30 (up to 9) units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed.

These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal is in outline and includes heads of terms to provide 30% affordable homes. The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size

of units required at outline stage and it is suggested that a condition could be used to do this.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

<i>Affordable</i>	
1 bed	40-45%
2 bed	20-25%
3 bed	25-30%
4+ bed	5-10%
bed	45-55%
4+ bed	10 - 20%

It is suggested that a size mix profile should be detailed through reserved matters to take this into account and an appropriate mix can be secured via condition. Locally identified need and the character of the area could be achieved although care would need to be taken (as per CS3) to ensure that the appearance of the area is protected.

It is considered that a proposal which complies with CS3 and could be achieved. The provision of up to 9 affordable units is a benefit of the scheme which is attributed positive weight within the planning balance.

Highway Matters

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. TR/18 sets out expectations for parking provision within sites. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposals are for outline planning permission but with the point of access as a detail for consideration. The proposals include improvements to the existing access off Leconfield Road to provide vehicular access for up to 30 dwellings.

The submissions include a Transport Statement and proposed point of access arrangements. Based on the maximum of 30 dwelling the development could generate up to 23 two way journeys in a peak hour.

In addition to vehicular journeys, the Transport Statement assesses availability of public transport, cycle routes and pedestrian links. This finds that, given the edge of town location with its proximity to existing bus stops, cycleways and pedestrian links, the site is in an accessible location with good access to employment, services and facilities. The assessment comes to the view that *'the additional traffic as a result of the development will not result in a severe detrimental impact in terms of highway capacity, junction performance or an unacceptable impact on highway safety.'*

The LCC Highway Authority has been consulted on the proposals with regard to the principle of the development and the detail for the point of access. LCC raise no objections to the proposals on the grounds of highway safety, subject to conditions (included in Recommendation B below). An indicative layout has been included with the proposals which sets out a potential layout to achieve up to 30 dwellings, including

access to properties and associated parking and turning. No objections have been raised by LCC Highway Authority in relation to the principle to provide adequate parking, turning and road layout.

Further detail would need to be provided to assess the full details such as road design and parking provision based on further details of house type and layout, but these could be secured through reserved matters. Taking into account the fact that there are no objections raised by the Local Highway Authority and that the site is within the settlement limits of Loughborough with good access to public transport as well as pedestrian and cycle routes the impacts of the development on highway safety and the local road network would not be severe so as to contravene the requirements of NPPF paragraph 111. Based on the information provided the development does not conflict with paragraph 111 of the National Planning Policy Framework 2021, CS18, CS1 and TR/18 of the Development Plan.

Flooding and drainage

The application site is a greenfield site totalling 1.2ha in size. The site is within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding. The site has a raised topography with the lowest part of the site being in the northeast corner. The application is for outline consent and includes a Flood Risk Assessment which informs an indicative drainage strategy.

The surface water proposals seek to discharge to an onsite attenuation basin indicated to be located in the lowest part of the site, in the north-eastern corner, before being discharged at a QBar discharge rate of 4.2l/s to an adjacent existing Severn Trent Water (STW) surface water sewer. Correspondence with STW has been provided showing acceptance in principle to connect up to a connection discharge rate of 5l/s.

Leicestershire County Council as Lead Local Flood Authority (LLFA) has advised that the proposals are considered acceptable, subject to conditions which, in general, require detailed drainage proposals to be agreed prior to commencement.

It is considered that the site can be satisfactorily drained and that there would be no unavoidable flood risk to future or existing residents. As a result, it would comply with Core Strategy Policy CS16.

Loss of agricultural land

The site is located on agricultural land where CS16 requires that new development should protect environmental resources, including the most versatile agricultural land. NPPF paragraph 174 states that decisions should contribute to and enhance the natural and local environment whilst recognising the economic and other benefits of the best and most versatile agricultural land.

The site includes an isolated parcel of grade 3 agricultural land. It does not appear that the site has been actively farmed in recent years but while the economic and other benefits of the existing agricultural land at this site is noted, it is not of the highest quality that would render the principle of the development as being unacceptable. The proposals are therefore to be considered on the balance of housing need versus any significant and adverse impact. In this case, it is officer's opinion that the loss of grade 3 land does not represent a significant or adverse loss that, on its own, would outweigh the benefit of providing housing and associated infrastructure on the site.

Whilst the loss of agricultural land is acknowledged, this in itself is not a significant adverse impact that would justify refusal of planning permission. The proposal is considered to comply with Core Strategy policy CS16 in this respect.

Infrastructure

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Libraries	<ul style="list-style-type: none"> Up to £910.00 towards the improvement of facilities at Loughborough Library.
Open Space	<ul style="list-style-type: none"> An on-site multi-function green space (minimum 0.02ha) An on-site natural and semi open space (minimum 0.14ha) An on-site amenity green space (minimum 0.03ha) An on-site LEAP facility On-site provision for young people. Alternatively, if provision cannot be achieved on site then a contribution of up to £28,620.00 is to be sought for off-site provision 0.19ha on-site provision or up to a £9,881.00 contribution towards off-site outdoor sports facilities 0.02ha on-site provision or up to a £3,388.00 contribution towards off-site provision or enhancement of allotment facilities in Loughborough
Affordable Housing	<ul style="list-style-type: none"> 30% of the dwellings to be affordable housing (up to 9 units) with 63% for affordable rent and 37% shared ownership.
NHS	<ul style="list-style-type: none"> Up to £15,189.37 to increase and improve facilities at the Forest Edge Medical Centre in Loughborough.
Highways	<ul style="list-style-type: none"> Raised kerb provision at the local bus stop on Leconfield Road at a cost of £4,000 to support modern bus fleets with low floor capabilities. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). 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 £510 per pass)
Civic Amenity	<ul style="list-style-type: none"> • Up to £1,281.00 towards the increase and improvement of the facilities at Shepshed Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> • The submission of a Biodiversity Mitigation Strategy, which includes a new BIA assessment based on the baseline which has agreed through the BIA submitted December 2021, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. • Mitigation on site • Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)

These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24.

Planning Balance and Conclusion

Based on the currently adopted policies from the Local Plan (2004) and the Core Strategy, the site is within the settlement limits of Loughborough where new residential development is encouraged and, subject to details, would be in accordance with the adopted development plan. It is noted that the settlement limits have been subject to review and that the emerging Local Plan would redraw the settlement boundary such that this site is in the countryside. However, policies of the draft Local Plan can only be given limited weight and the overarching aims of the new Local Plan are to achieve sustainable development.

The site is accessible to a wide range of services and facilities within Loughborough with good public transport links to the town centre as well as being well connected via local footpaths and cycleways. The site is enclosed on three sides by existing residential development and any wider landscape impact is taken in the context of the site being on the edge of the built-up area of Loughborough with long-range views being limited by existing development, planting and topography.

The site would make a notable contribution of up to 30 dwellings while the Council cannot demonstrate a 5 year housing land supply. The site would also provide up to 9 affordable units.

The site has demonstrated that safe access can be achieved to the satisfaction of the Local Highway Authority and that the site has the potential to achieve a suitable drainage scheme to manage surface water run off to greenfield rates. There are no objections from statutory consultees with regard to the technical details of the scheme.

The site is in the vicinity of a grade II listed building with the potential for the layout to impact its setting. The proposals include a parameter plan that demonstrate that an offset can be retained to the satisfaction of Charnwood's Conservation Officer. On that basis, the proposals are considered to result in 'less than substantial harm' in the terms of the NPPF paragraph 202 and that the public benefits outweigh the limited heritage impact identified through assessment of this application.

Any residential development of the site would place additional pressure on the local highway network and ecological assets as well as open spaces, schools, libraries, and doctors, for example, but there are no objections raised by consultees, subject to contributions being secured through a Section 106 legal agreement to ensure that any additional demand is addressed.

The site is constrained by sensitive biodiversity assets, most notably the proximity to Burleigh Wood which is an ancient woodland and local wildlife site and these are to be afforded particular protection to ensure that any development does not detract from its ecological value. The site also has a particular raised topography and provides a landscape buffer to Burleigh Wood but this does not preclude the principle of development from being acceptable, though it may constrain options for any further detailed layout. It is noted that Charnwood's Landscape Officer raised potential for considerable harm but it is recognised that there is scope to mitigate this to the extent that it would not constitute a 'significant' or 'demonstrable' harm in terms of the NPPF paragraph 11 d) in its own right.

While the site was proposed as a draft allocation, it was removed following a high level review of potential impacts on ecology and other sites being better suited to meet housing need. However, a detailed assessment of the site as part of this application has been undertaken to the satisfaction of Charnwood's Senior Ecologist and a baseline has been agreed to ensure that any future development of the site meets the requirement for there to be no net loss of in biodiversity value. With regard to the potential for allocation, it is notable that the proximity of a site allocation to Burleigh Wood has not prevented the LUSEP site from being allocated through the Core Strategy and repeated in the emerging local plan, nor has it precluded a proposed allocation at Snells Nook Lane, abutting the western side of Burleigh Wood. As such, and subject to detailed assessment of any final details as reserved matters, the principle for development of the site is not constrained solely by its proximity to Burleigh Wood.

It is noted that objections have been received in relation to ecological impact, landscape impact and loss of open space, among others, but the issues raised are not supported by consultees and while they have been taken into account in the consideration of the application, the issues and interpretation of policy contained therein are not agreed to justify refusal of this outline application, particularly as control remains to ensure a policy compliant development through reserved matters.

It is also taken into account that there is no designation for the site to be used as open space and there is no public right of access onto or through the site at present. While access may have been accepted in the past, and submissions have been made to designate a new PROW through the site, any access to the site is currently at the owner's discretion with the site currently being gated and fenced with no immediate prospect of a decision being made for a new PROW. Nevertheless, if a PROW were to be confirmed prior to reserved matters then there would still be the opportunity to

amalgamate a new PROW into the layout, albeit that it is noted that the University did not support any new access into Burleigh Wood from this site and that the PROW would be in an urban setting rather than the current proposals for a loop within a greenfield site.

Furthermore, while the importance of access to open space is agreed and it is noted that there is a deficit of open space in the ward, the level of deficit (as set out in the Open Space Assessment 2017) is not uncommon within Loughborough, nor other villages within the Borough where other developments are being considered and, as there is no specific designation as open space, it is not taken to be particularly important to meet the needs of existing residents on this site while other formally designated open spaces and countryside are available within and around the ward.

Issues have also been raised in relation to potential impact on residential amenity and proximity to existing dwellings and ecological assets, however, any assessment is to be based on the application being for outline planning permission with all matters reserved except for the point of access and that control could be retained through any future reserved matters to ensure that the details of the scheme, including the final layout, scale and design of houses, landscaping, boundary treatment and floor levels result in a policy compliant development that protects the residential amenity of neighbouring dwellings.

In conclusion, it is recognised that this site is of particular local interest but, based on the current development plan which is the starting point for the determination of planning applications, it is within the settlement boundary of Loughborough where new residential development is encouraged. Furthermore, while Charnwood cannot demonstrate a 5 year housing land supply, the proposals are to be considered in relation to NPPF paragraph 11 d) and, based on there being no objections from statutory consultees, potential to secure infrastructure contributions through a S106 legal agreement and the option to control any permission by planning conditions then it is considered that there are no ‘significant’ or ‘demonstrable’ adverse impacts that would outweigh the provision of up to 30 dwellings, including up to 9 affordable units, within the settlement boundary of Loughborough.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Libraries	<ul style="list-style-type: none"> • Up to £910.00 towards the improvement of facilities at Loughborough Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.02ha) • An on-site natural and semi open space (minimum 0.14ha) • An on-site amenity green space (minimum 0.03ha) • An on-site LEAP facility • On-site provision for young people. Alternatively, if provision cannot be achieved on site then a

	<p>contribution of up to £28,620.00 is to be sought for off-site provision</p> <ul style="list-style-type: none"> • 0.19ha on-site provision or up to a £9,881.00 contribution towards off-site outdoor sports facilities • 0.02ha on-site provision or up to a £3,388.00 contribution towards off-site provision or enhancement of allotment facilities in Loughborough
Affordable Housing	<ul style="list-style-type: none"> • 30% of the dwellings to be affordable housing (up to 9 units) with 63% for affordable rent and 37% shared ownership.
NHS	<ul style="list-style-type: none"> • Up to £15,189.37 to increase and improve facilities at the Forest Edge surgeries in Loughborough.
Highways	<ul style="list-style-type: none"> • Raised kerb provision at the local bus stop on Leconfield Road at a cost of £4,000 to support modern bus fleets with low floor capabilities. • Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). • 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 £510 per pass)
Civic Amenity	<ul style="list-style-type: none"> • Up to £1,281.00 towards the increase and improvement of the facilities at Shepshed Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> • The submission of a Biodiversity Mitigation Strategy, which includes a new BIA assessment based on the baseline which has agreed through the BIA submitted December 2021, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. • Mitigation on site • Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)

RECOMMENDATION B:

That subject to the completion of the agreement in recommendation A above, planning permission be granted subject to the following conditions and notes:

1.	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby permitted shall be carried out in broad accordance with the following approved plans:</p> <p>N1249 010A Parameter Plan N1249 400A POS Provision Plan Tree Survey P2164 /1020 /02 23/11/2020 ADC1905-DR-100 Revision P4 Access arrangement</p> <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice within the NPPF.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site; iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. v) functional services above and below ground within landscaped areas; and vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>

6.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
7.	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of:</p> <ul style="list-style-type: none"> a) the routing of construction traffic, b) wheel cleansing facilities, c) vehicle parking facilities, and d) a timetable for their provision, <p>has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
8.	<p>Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The CEMP shall be in broad accordance with the Construction and Ecological Management Plan (RSE_492_02_V2 August 2021). The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.</p> <p>REASON: To reduce the possibility of adverse impacts on nearby SSSIs and ecology in accordance with Policy CS13 and the NPPF and to minimise disruption to the neighbouring residents in accordance with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan (2004).</p>
9.	<p>Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays and at any time on Sundays and Bank Holidays.</p> <p>REASON: To minimise disruption to the neighbouring residents in accordance with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan (2004).</p>
10.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC1905-DR-</p>

	<p>100 Revision P4, ' Onsite Highway General Arrangement', have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).</p>
11	<p>A Biodiversity Impact Assessment shall be submitted with the 'Reserved Matters' to assess the impact of the development in relation to the site ecology based on the agreed Baseline ecology measurement as set out in the BIA (December 2021) and shall include the provision of mitigation measures to offset any negative impact on habitat along with timescales for implementation. The approved ecological mitigation shall then be fully implemented in accordance with the approved timescales.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
12	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Paragraph 169 of the NPPF.</p>
13	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Paragraph 169 of the NPPF.</p>
14	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.</p> <p>Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Paragraph 169 of the NPPF.</p>

15	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Paragraph 169 of the NPPF.</p>
16	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16.</p>
17	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access shall be retained and maintained at all times. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
18	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
19	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. An on-site multi-function green space (minimum 0.02ha) ii. An on-site natural and semi open space (minimum 0.14ha) iii. An on-site amenity green space (minimum 0.03ha) iv. An on-site LEAP facility v. On-site provision for young people or off-site contribution as per the S106 <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>

--	--

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
7. All work shall follow recognised good practice such as those detailed in BS 5228 "Noise control on construction and open sites", the BRE report "Control of Dust from Construction and Demolition Activities.

8. There shall be no burning of waste on the site.
9. The surface water drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
10. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
11. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
12. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
13. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
14. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>
15. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
16. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
17. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development.

The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.

18. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

